

Representative Adam Robertson proposes the following substitute bill:

SCHOOL FEES DATA COLLECTION

2020 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Adam Robertson

Senate Sponsor: Deidre M. Henderson

LONG TITLE

General Description:

This bill requires certain data collection and reporting regarding school fees.

Highlighted Provisions:

This bill:

- ▶ defines terms;
- ▶ requires a local education agency to:
 - measure and collect data related to certain fees the LEA charges or waives; and
 - report the data to the State Board of Education;
- ▶ requires the State Board of Education to report to the Legislature; and
- ▶ makes technical and conforming changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

53E-1-201, as last amended by Laws of Utah 2019, Chapter 324 and last amended by Coordination Clause, Laws of Utah 2019, Chapters 41, 205, 223, 342, 446, and 476



26 **53G-7-501**, as last amended by Laws of Utah 2019, Chapter 223

27 **53G-7-503**, as last amended by Laws of Utah 2019, Chapters 223 and 293

28

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

29 Section 1. Section **53E-1-201** is amended to read:

30 **53E-1-201. Reports to and action required of the Education Interim Committee.**

31 (1) In accordance with applicable provisions and Section **68-3-14**, the following
32 recurring reports are due to the Education Interim Committee:

33 (a) the prioritized list of data research described in Section **35A-14-302** and the report
34 on research described in Section **35A-14-304** by the Utah Data Research Center;

35 (b) the report described in Section **35A-15-303** by the State Board of Education on
36 preschool programs;

37 (c) the report described in Section **53B-1-103** by the State Board of Regents on career
38 and technical education issues and addressing workforce needs;

39 (d) the report described in Section **53B-1-107** by the State Board of Regents on the
40 activities of the State Board of Regents;

41 (e) the report described in Section **53B-2a-104** by the Utah System of Technical
42 Colleges Board of Trustees on career and technical education issues;

43 (f) the reports described in Section **53B-28-401** by the State Board of Regents and the
44 Utah System of Technical Colleges Board of Trustees regarding activities related to campus
45 safety;

46 (g) the State Superintendent's Annual Report by the state board described in Section
47 **53E-1-203**;

48 (h) the annual report described in Section **53E-2-202** by the state board on the strategic
49 plan to improve student outcomes;

50 (i) the report described in Section **53E-8-204** by the state board on the Utah Schools for
51 the Deaf and the Blind;

52 (j) the report described in Section **53E-10-703** by the Utah Leading through Effective,
53 Actionable, and Dynamic Education director on research and other activities;

54 (k) the report described in Section **53F-4-203** by the state board and the independent
55 evaluator on an evaluation of early interactive reading software;

- 57 (l) the report described in Section 53F-4-407 by the state board on UPSTART;
- 58 (m) the report described in Section 53F-5-405 by an independent evaluator of a
- 59 partnership that receives a grant to improve educational outcomes for students who are low
- 60 income; and
- 61 (n) the report described in Section 63N-12-208 by the STEM Action Center Board,
- 62 including the information described in Section 63N-12-213 on the status of the computer
- 63 science initiative and Section 63N-12-214 on the Computing Partnerships Grants Program.
- 64 (2) In accordance with applicable provisions and Section 68-3-14, the following
- 65 occasional reports are due to the Education Interim Committee:
- 66 (a) the report described in Section 35A-15-303 by the School Readiness Board by
- 67 November 30, 2020, on benchmarks for certain preschool programs;
- 68 (b) the report described in Section 53E-3-519 by the state board regarding counseling
- 69 services in schools;
- 70 (c) the reports described in Section 53E-3-520 by the state board regarding cost centers
- 71 and implementing activity based costing;
- 72 (d) if required, the report described in Section 53E-4-309 by the state board explaining
- 73 the reasons for changing the grade level specification for the administration of specific
- 74 assessments;
- 75 (e) if required, the report described in Section 53E-5-210 by the state board of an
- 76 adjustment to the minimum level that demonstrates proficiency for each statewide assessment;
- 77 (f) the report described in Section 53E-10-702 by Utah Leading through Effective,
- 78 Actionable, and Dynamic Education;
- 79 (g) the report described in Section 53F-2-502 by the state board on the program
- 80 evaluation of the dual language immersion program;
- 81 (h) if required, the report described in Section 53F-2-513 by the state board evaluating
- 82 the effects of salary bonuses on the recruitment and retention of effective teachers in high
- 83 poverty schools;
- 84 (i) upon request, the report described in Section 53F-5-207 by the state board on the
- 85 Intergenerational Poverty Intervention Grants Program;
- 86 (j) the report described in Section 53F-5-210 by the state board on the Educational
- 87 Improvement Opportunities Outside of the Regular School Day Grant Program;

(k) the report described in Section [53G-7-503](#) by the state board regarding fees that LEAs charge during the 2020-2021 school year;

~~[(k)]~~ (l) the reports described in Section [53G-11-304](#) by the state board regarding proposed rules and results related to educator exit surveys;

~~[(h)]~~ (m) upon request, the report described in Section [53G-11-505](#) by the state board on progress in implementing employee evaluations;

~~[(m)]~~ (n) the report described in Section [62A-15-117](#) by the Division of Substance Abuse and Mental Health, the State Board of Education, and the Department of Health regarding recommendations related to Medicaid reimbursement for school-based health services; and

~~[(n)]~~ (o) the reports described in Section [63C-19-202](#) by the Higher Education Strategic Planning Commission.

(3) In accordance with Section [53B-7-705](#), the Education Interim Committee shall complete the review of the implementation of performance funding.

Section 2. 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;

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

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

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

(2) "Curricular activity" means an activity, a course, or a program that is:

(a) intended to deliver instruction;

~~[(a)]~~ (b) provided, sponsored, or supported by an LEA; and

~~[(b)]~~ (c) conducted only during school hours.

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

(4) (a) "Elementary school student" means a student enrolled in an elementary school.

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

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

(i) not directly related to delivering instruction;

(ii) not a curricular activity or co-curricular activity; and

(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) (a) "Fee" means a charge, expense, deposit, rental, or payment:

(i) regardless of how 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 an activity, course, or program that is provided, sponsored, or supported by an LEA.

(b) "Fee" includes:

(i) money or something of monetary value raised by a student or the student's family through fundraising;

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

(iii) payments made to a third party that provides a part of a school activity, class, or program;

(iv) charges or expenditures for classroom:

(A) textbooks;

(B) supplies; or

(C) materials;

(v) charges or expenditures for school activity clothing; and

(vi) a fine other than a fine described in Subsection (6)(c)(i).

(c) "Fee" does not include:

(i) a student fine specifically approved by an LEA for:

(A) failing to return school property;

(B) losing, wasting, or damaging private or school property through intentional, careless, or irresponsible behavior, or 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) a pledge securing the return of school property; and
 (B) refunded upon the return of the school property; or
 (iv) a charge for insurance, unless the insurance is required for a student to participate in an activity, course, or program.

(7) (a) "Fundraising" means an activity or event provided, sponsored, or supported by an LEA that uses students to generate funds or raise money to:

- (i) provide financial support to a school or a school's class, group, team, or program; or
- (ii) benefit a particular charity or for other charitable purposes.

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

(8) (a) "School activity clothing" means special shoes or items of clothing:

- (i) (A) that meet specific requirements, including requesting a specific ~~color, style~~

brand ~~color, style~~ ,

fabric, or imprint; and

- (B) that a school requires a student to provide; and

- (ii) that is worn by a student for a co-curricular or extracurricular activity.

(b) "School activity clothing" does not include ~~the following~~ :

- (i) ~~a school uniform~~ ; or**

- (ii) clothing that is commonly found in students' homes. ~~the following~~**

(9) (a) "School uniform" means special shoes or an item of clothing:

- (i) (A) that meet specific requirements, including a requested specific color, style, fabric, or imprint; and

- (B) that a school requires a student to provide; and

- (ii) that is worn by a student for a curricular activity.

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

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

(11) "Secondary school student":

- (a) means a student enrolled in a secondary school; and

- (b) includes a student in grade 6 if the student attends a secondary school.

(12) "Textbook" means the same as that term is defined in Section 53G-7-601.

(13) "Waiver" means a full or partial release from a requirement to pay a fee and from any provision in lieu of fee payment.

Section 3. Section **53G-7-503** is amended to read:

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

(1) An LEA may only charge a fee if the fee is authorized and noticed by the LEA governing board in accordance with Section **53G-7-505**.

(2) (a) An LEA may not require a fee for elementary school activities that are part of the regular school day or for supplies used during the regular school day.

(b) An elementary school or elementary school teacher may compile and provide to a student's parent a suggested list of supplies for use during the regular school day so that a parent may furnish on a voluntary basis those supplies for student use.

(c) A list provided to an elementary student's parent in accordance with Subsection (2)(b) shall include and be preceded by the following language:

"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."

(3) (a) Beginning with or after the 2021-2022 school year, if an LEA imposes a fee, the fee shall be equal to or less than the expense incurred by the LEA in providing for a student the activity, course, or program for which the LEA imposes the fee.

(b) An LEA may not impose an additional fee or increase a fee to supplant or subsidize another fee.

(4) (a) Beginning with or after the 2021-2022 school year, and notwithstanding Section **53E-3-401**, if the state board finds that an LEA has violated a provision of this part or Part 6, Textbook Fees, the state board shall impose corrective action against the LEA, which may include:

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

(b) The state board shall make rules:

212 (i) that require notice and an opportunity to be heard for an LEA affected by a state
213 board action described in Subsection (4)(a); and
214 (ii) to administer this Subsection (4).
215 (5) (a) For each fee on an LEA's fee schedule described in Section 52G-7-505, the LEA
216 shall:
217 (i) by July 1, 2020, determine whether the fee is curricular, co-curricular, or
218 extracurricular;
219 (ii) for the 2020-2021 school year, measure the total number of:
220 (A) students who pay each fee; and
221 (B) money received for each fee;
222 (iii) for the 2020-2021 school year, measure the total:
223 (A) number of students who receive a fee waiver; and
224 (B) value of each waiver for each waived fee; and
225 (iv) by July 1, 2021, report the separate categories of data gathered under Subsections
226 (5)(a)(ii) and (iii) to the state board.
227 (b) The state board shall report on the data the board receives under Subsection (5)(a)
228 to the Education Interim Committee on or before the date of the November interim meeting in
229 2021.