

SCHOOL FEES

USBE Model Policy: Part 2 FEE WAIVERS

Disclaimer: Please note that the Utah State Board of Education (USBE) model policies and procedures are general guidelines. These model policies are suggested best practices, and LEAs are not required to use or adopt these specific policies. LEAs may modify these policies and procedures to better adapt to the current environment of each specific LEA. Not every LEA has the same personnel positions as listed in the model policies and procedures, so modify the positions to conform to your LEA's circumstances and size.

Guide: Text between brackets (i.e. [LEA]) must be replaced with appropriate text by the LEA seeking to adapt the model policy. Text within a text box informs an LEA of decisions the LEA needs to make to adapt the model policy to their own needs.

School Fee Waivers Model Policy

A. Purpose

The purpose of this policy is to establish the [LEA's] policy and procedure governing the review, verification, and approval or denial of fee waivers. Recognizing the importance and sensitivity of fee waivers, the [LEA] will ensure that fee waivers are administered fairly, consistently, and confidentially at all schools. For those determined to be ineligible for fee waivers, but who still need assistance with their fees, alternatives to fee waivers will be provided.

B. Scope

This policy applies to all [LEA] schools, school fees, and all fee waiver requests.

C. References

- [R277-407](#)
 - [Section 8](#) "Fee Waivers,"
 - [Section 9](#) "Service in Lieu of Fees – Voluntary Request for Installment Payments,"
 - [Section 11](#) "Fee Waiver eligibility,"
 - [Section 14](#) "Fee Waiver Reporting Requirements,"
- Utah Code Annotated (UCA) [53G-7](#)
 - [Part 5](#) Student Fees
 - [Part 6](#) Textbook Fees
- [Permanent Injunction Civil No. 920903376](#)

D. Definitions

"Fee" means something of monetary value requested or required by an LEA as a condition to a student's participation in an activity, class, or program provided, sponsored, or supported by a school.

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"Waiver" or "Fee Waiver" means a release from the requirement or payment of a fee and from any provision in lieu of a fee payment.

See *School Fees USBE Model Policy: Part 1 General School Fees* for more school fees definitions.

E. General Policy Statements

R277-407-8

- All school fees are subject to waiver. Non-waivable charges are specifically identified in Utah Code and administrative rule such as concurrent enrollment courses, AP exam fees, school breakfasts or lunches, and fines for damages.
- All fee waiver requests must be handled confidentially and without placing undue burden on the student or their family.

Best Practice: to reduce the overall burden to individual schools, families, and school counselors, procedures can be designed to accept one application per family for all schools within the LEA.

- Students and parents' registration materials will include a copy of the fee waiver policy, and each school's website will post the policy in an easily accessible location. Information about alternatives to fee waivers will be included with the fee waiver policy.

Best Practice: in order to help parents who may not be technologically skilled, they should not have to login into a school system to access this information.

- All fee waiver requests will be documented for general reporting purposes, whether the waiver request is granted or not.
- Anytime a fee waiver request is denied, the student or family has the right to appeal the decision and will be informed in writing of both the right to appeal and the process to do so.

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F. Fee Waiver Administration R277-407-8, UCA 53G-7-504

School principals will designate the "Fee Waiver Administrator". The Fee Waiver Administrator's duties include reviewing fee waiver applications and documentation, granting fee waiver requests, compiling all logs and reporting of fee waivers. The Fee Waiver Administrator's contact information will be available in the school directory and in the student registration materials.

Fee Waiver Administrators will generally be principals or assistant principals but can be whomever the principal determines is appropriate. The Fee Waiver Administrator does not need to have an administrative license, though principals are encouraged to select persons with training in and knowledge of student data privacy laws. Selected individuals should also work in an appropriate setting where they can handle confidential conversations and documents.

Students and parents should send all fee waiver requests to the Fee Waiver Administrator. The Fee Waiver Administrator will then determine fee waiver eligibility based on criteria listed in the "Fee Waiver Eligibility" section of this policy.

In order to protect the privacy of each student and to avoid any stigma, all information associated with the application process will be treated as confidential. Students applying for fee waivers and students who have been granted fee waivers will not be identified to those who do not have a right or a need to know. As a rule, [LEA] teachers and coaches do not have a right or a need to know which students have been approved to receive fee waivers. Additionally, the [LEA] will assure that students applying for waivers or receiving waivers will be treated no differently than other students.

The fee waiver application process will have no visible indicators that could lead to identification of fee waiver applicants. The application for waivers will be included on each school's website.

G. Fee Waiver Eligibility R277-407-11, UCA 53G-7-504

A student is eligible for a fee waiver and will be granted a fee waiver if the [LEA] receives verification that a student meets one of the following standards:

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- The student's family income qualifies under the levels set by the State Superintendent. These levels are set to equate to the income levels for the federal free lunch program.

To verify eligibility under this standard, family income verification may be requested as income statements or pay stubs. All income received by the household is counted. This includes salary, public assistance benefits, social security payments, pensions, unemployment compensation, divorce decree child support payments and the like. The qualifying income levels for any given year can be found at schools.utah.gov/schoolfees.

- The student receives SSI.
To verify that a student receives SSI, the family will provide benefit verification documents from the Social Security Administration.
- The student's family receives TANF.
To verify that a student's family receives TANF, the family will provide an electronic screenshot of the Family Employment Program My Case screen, verifying coverage for the date in which a fee waiver is sought.

An LEA may use free lunch eligibility IF parental consent is given to share this information between programs. A disclosure request form should be included with the free lunch application. This disclosure informs the parents of the following: 1) they are not required to consent to the disclosure; 2) the information will be used to facilitate the enrollment of eligible children for fee waivers; and 3) the decision to disclose or not disclose will not affect their children's eligibility for free and reduced-price meals or free milk.

An LEA must inform the adult household member who signed the application if the LEA plans to disclose or use eligibility information outside the originating program. This may be done by issuing a general notification of potential disclosure or through a specific notification to disclose information to a program [7 CFR 245.6(h)(2)(i)].

- The student is in foster care or in state custody.
To verify that a student is in foster care or state custody, the individual will provide the youth in care intake form or school enrollment letter provided by a case worker from the Utah Division of Child and Family Services or the Utah Juvenile Justice Department.

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If a student does not qualify under these above standards, the student may still otherwise qualify for a fee waiver. A waiver will be provided on a case by case basis to any student if charging the fee would deny the student the opportunity to fully participate or complete a requirement because of an inability to pay the fee.

To verify that a student qualifies for a fee waiver under financial circumstances not described in these other standards, verification may be collected as appropriate for the situation. An opportunity will be provided for those requesting fee waivers under this standard to meet privately with a Fee Waiver Administrator to discuss their situation and their potential eligibility for fee waivers.

Best Practice: an LEA may need to develop options in lieu of waivers for those students whose fee waiver applications are denied, but who need financial assistance to fully participate. A partial waiver or service in lieu of waivers may also be appropriate in these cases.

H. Fee Waiver Approval Process

R277-407

After reviewing the documentation provided by the student and the student's family, the Fee Waiver Administrator will approve or deny the fee waiver request. This process will be administered fairly and objectively and will take no longer than [five] school days.

When verifying eligibility of students, a Fee Waiver Administrator shall ensure that all FERPA confidentiality requirements are met. Furthermore, no documents used for verification or copies of the documents will be kept or maintained by the Fee Waiver Administrator. The Fee Waiver Administrator will only keep the following information as a log or record:

- That the student's eligibility was verified,
- The name and position of the person that verified the student's eligibility,
- The date it was verified, and
- The documentation used to verify the eligibility.

Regardless of whether the fee waiver request is granted, the following process will be followed:

- The requirement for the student to pay fees is suspended while the Fee Waiver Administrator is considering the fee waiver request.

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- The request for a fee waiver will be documented. This documentation will include the school year of the fee waiver request, the amount that was requested to be waived, and the fees that were requested to be waived. This documentation will be used for compliance with reporting requirements by the Utah State Board of Education and will also be used for future fees considerations.
- The student and the student's family will be informed in writing of the Fee Waiver Administrator's decision regarding the student's request.
- The Fee Waiver Administrator may request supporting documentation from the student's parent or legal guardian. If documentation is requested, it will be the documentation in the "Verifying Eligibility" section of this policy.

The next step depends on whether the request was granted.

- Fee Waiver Request Approved:

The waived fees count, and amounts will be documented for program accounting and reporting purposes.

- Fee Waiver Request Denied:

Those students and families who are not deemed eligible, either through a lack of supporting documentation or through circumstances deemed to not justify a fee waiver, will be informed in writing of the reasons their request is denied.

The students and their families will be informed of their right to appeal and will be given a copy of the appeal process contained within this policy. This policy and process will be explained to the student and their family.

The fee waiver denial will be documented for reporting purposes.

I. **Appeal Process**

R277-407-6, R277-407-8

A student or the student's parents may appeal the decision to deny a fee waiver request. To appeal the decision, the student or the student's parents will need to fill out the appeal form included with the denial or found on the [LEA's] website and submit it. The appeal should be submitted to the [LEA] [Superintendent or equivalent]. The [Superintendent or equivalent] will respond to the appeal within [10] school days of receiving the appeal.

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While the appeal is being processed and considered, any requirement that the student pay a fee will remain suspended. The appeals process will be conducted confidentially, and in a way that avoids stigma, embarrassment, or undue burden for the student and the student's family.

J. Alternatives to Waivers (Service in Lieu of Waivers)

UCA 53G-7-504(2), R277-407-9

For LEAs that wish to offer alternatives to waivers, they will need to create an appropriate policy governing waiver alternatives. Guidance can be found in USBE school fees materials, as well as in Utah Code and Utah Administrative Rule.

K. Prorating Fees

R277-407-9(6), R277-407-11(5)

Current rule states that if circumstances change for a student or their family so that fee waiver eligibility no longer exists, an LEA may charge a proportional share of the fee or a reduced fee. For LEAs that wish to do this, they will need to adopt specific methodologies for prorating fees.

The local LEA policy may require families on fee waivers to regularly re-qualify or re-certify their eligibility. R277-407-11(3)(d) states that that LEAs may not subject a family to unreasonable demands for re-qualification. Current DWS practices have many of the benefits and assistance programs qualifying on a monthly basis; therefore, any LEA re-qualification requirements should be no more frequent than once per month. Keep in mind that just as an LEA is not required to refund schools fees paid, neither is a parent required to pay prorated fee amounts for past events, courses or activities.

Additionally, R277-407-9(6)(a) requires the waiver process to be fair, objective, and to avoid stigma and unreasonable burden. The re-qualification process falls under the same requirements.

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L. Fee Waiver Reporting

R277-407-14

An LEA shall report the following to the Superintendent annually:

1. A statistical report consisting of the following:
 - Total # of Students (Enrollment as of October 1st)
 - Total # of Students Given Fee Waivers
 - Total \$ Amount of Fees Waived
 - Total # of Students that Worked in Lieu of Fee Waivers
 - Total \$ Amount of Fees
 - Total \$ Amount of Fees from Curricular Activities Paid to Schools
 - Total \$ Amount of Fees from Co-Curricular Activities Paid to Schools
 - Total \$ Amount of Fees from Extra Curricular Activities Paid to Schools
2. A copy of the LEA's fee and fee waiver policies;
3. A copy of the LEA's student fee schedule;
4. A copy of the fee waiver notice provided by the LEA to a student's parent or guardian; and
5. A copy of the fee waiver compliance form for the LEA and/or school within the LEA.