USBE School Fees Training

March 12, 2021

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Agenda

• Certificate of Compliance Results
• Desk Monitoring/Risk Rating
• Fee Waivers
• Corrective Action Processes
• Upcoming Requirements
• Q & A Session
Certificate of Compliance Results
2019-2020 Count for ALL LEAS

**UTREx:**
- Total Student Count - 667,578
- Total Secondary Population - 307,865

**Certificate of Compliance:**
- 122 LEAs charge fees
- 32 LEAs don’t charge fees
- 2 Undeclared

82,232 Eligible for Fee Waivers
(27% of Total Secondary Population)

50,923 Granted Fee Waivers:
62% of those eligible

The statistical numbers submitted on the Certificate of Compliance were for the 2019-2020 school year. The population counts from UTREx are for the same time frame.

Secondary Population – includes 7-12 grades. We understand that there are elementary schools that charge fees for after school programs, but the number of students affected are considered immaterial and therefore not included as part of the statistical analysis.

Certificate of Compliance: Self-reported
Of the 32 that declared they don’t charge fees, we have reviewed websites, Facebook accounts, and student handbooks, and found that some of them do charge fees. We will be working with these LEAs to bring them into compliance.

When determining the students who were eligible for fee waivers, we reviewed the UTREx data for Economically Disadvantaged Secondary students and found the estimated amount to be 81,507 (27% of Total Secondary Population). We then reviewed the amounts that were reported from the Certificate of Compliance as to how many fee waivers were granted. 62% of those eligible received fee waivers.
Why does the Court Injunction, Code and Rule require monitoring and evaluation?

You cannot improve what you cannot measure.

Why is monitoring of school fees required? The statistical amounts provide us a figure that we can track and monitor from year to year to ensure that all students are able to participate in school activities, classes, and programs regardless of their economic situation.

The Certificate of Compliance requirements are measurements or evidence of the LEAs/schools efforts to remove barriers from a student's full participation in an activity, course, or program. This includes students that may not be eligible for fee waivers, but fees may affect their participation.
These metrics were provided to the Legislative Public Education Appropriations Committee in November.

Since USBE has engaged with technical assistance and training LEA's have increased compliance. Each LEA is doing a tremendous job in improving their processes and making a difference in the lives of students.

There has been a significant increase in the number of LEAs that completed their Certificate of Compliance. Only two LEAs did not submit the information this last October. In addition, all LEAs that submitted a Certificate reported that they provided notices to parents regarding fees and fee waivers. That is a significant increase compared to the Audit in 2017.

Another item we want to draw your attention to is the number of students granted fee waivers. This number has decreased, one reason for this is that we have more LEAs that provided information on the Certificate versus the 82% last year. In order to look at a year to year analysis, it is vital that we have accurate data. Accuracy of data is critical as we continue with annual monitoring of school fees.
Schools are waiving between 8% - 12% of the total amount of fees charged. As fees have increased, the percent of granted fee waivers is on a downward trend.

The number of students eligible for fee waivers but not participating has increased from 25% in 2012 to 38% in 2020.

Total number of fees vs total number waived: The percent of granted fee waivers is on a downward trend while the total amount of fees is increasing.

In addition, we also looked at the number of students eligible for fee waivers versus the number of students receiving fee waivers. We are finding that the number of students eligible but not participating has increased since 2012.

Now that we are tracking numbers and know what we are looking at, the next step is to look in and find the why. Is the socio-economic challenge being addressed?

All students that are fee waiver eligible should be participating. Why are they not? As we move to on-site monitoring, we will be reviewing this information with each LEA.
The average amount charged per student has increased since 2012 but the average amount waived per student has stayed constant at approximately 50%.

The first graph compares the average School Fees per student versus the average per student school fee waived. Though the average amount per student fee increases over the years, the amount waived has stayed constant around 50%. This number should be an indicator to the LEA to perform a self-analysis to improve participation of ALL students.

There may be some minor differences between these graphs and the Annual reports each LEA received. When we contacted LEAs that had questionable data, information was updated and is reflected in the Annual Reports.

All of these numbers are self-reported numbers. We expect these to improve as LEAs come to a better understanding of the numbers being reviewed.

The Student Maximum amount is a requirement from the Injunction that is also required in Board Rule. We will continue to monitor this metric as we receive more data in the upcoming years.
On Tue, March 9th, each LEA was sent their annual school fees report. These were sent to the Superintendent or Charter School Director, Business Administrator, and the School Fee Contact.

There were a couple of mistakes we found in the email after most had been sent. The email stated that the state average cost per student was $392 it should read $258. The reports have the correct amount.

The email stated that the survey questions were attached. If you need a copy of the questions please let us know and we can send them out. There is also a copy of the survey questions on the webpage. The reason for providing the questions was for the certificate of compliance survey results. You will see on the next slide that the headers are shortened to just a word or two. We thought it would be easier if you had the questions readily available.

These reports should be used as a self-assessment tool.
# Certificate of Compliance Survey Results

This report provides a quick view of each response submitted by the Superintendent (LEA), the Board Chair and the individual school principals. This will enable the LEA to tailor the school fees training to their specific needs.

The School Fees Team conducted a risk assessment of the Certificate of Compliance questions. Each question was rated for impact and likelihood of non-compliance (i.e., if an LEA was not compliant to a specific requirement, how significant would the impact be to the individual students' participation and how likely is the LEA to be non-compliant?).

We then determined that the five questions with the most significant risk to students would be used as part of the overall risk assessment (see Risk Assessment Report for details); these questions are identified in red text in the Survey Results Document. The “No” responses are highlighted in yellow or red fill; the red fill indicates a “No” answer to one of the five questions determined to have the most significant risks to students.

We have created a fictitious LEA, Wilson District. As you can see this district has a lot of highlights. You can also see that there are some differences in the answers. The superintendent answered Yes but the board chair answered No. Same on the principals. What does this mean? Perhaps lack of training, communication.

## School Fee Certificate of Compliance Assurance Survey Results - SY2021

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**Note:** Yellow highlight = Non-compliant
Red fill = Risk Assessment - Impact and Likelihood

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School Fees Statistical Data Analysis

The SF Statistical Data Analysis report. These are the same performance metrics that Charity talked about in the previous slides.

This report is the result from the statistical data that was provided last October for school year 2019-20.

**Waived vs Charged:** The numbers on the left side of the report are the statewide numbers. $78 million fees were charged; 9% or $7 million of those fees were waived. (Dollar amounts not students)

On the right is the LEAs specific information. In our scenario Wilson School District charged $88,674 in school fees and waived 8% or just over $7,000.

**Avg Fee Amount Waived vs Charged:** State avg per student charged is $258. In this scenario Wilson Districts is $184. State average waived per student is $139 or 54% of the amount charged. Wilson District is $162 or 88% of their amount charged. The average amount waived versus charged per student for Wilson District is higher than the state average (>54%), which means that they are capturing the majority of students who are eligible for fee waivers and are considered low risk.

What does the difference between average fees charged per student and average fees waived per student mean? A larger than expected difference (<54%) between the amount charged per student and the amount waived per student could be an indication that waiver students are not participating at the same levels as paid students. Perhaps they don’t know they can participate in extra-curricular activities or that the fees for those would also be waived. An LEA with <54% would be considered high risk.
Background on the data: The economically disadvantaged data is reported to UTREx as:

- “F” Eligible for Free Lunch,
- “R” Eligible for Reduced Price Lunch,
- “Y” Economically Disadvantaged, or
- "Blank" NOT Economically Disadvantaged.

Income guidelines for fee waivers are the same as the guidelines for a student to qualify for free lunch. The students that were designated as “R”, eligible for reduced lunch, were not included in the count. The LEA ‘% of Economically Disadvantaged all grades’ is applied to the secondary student enrollment counts. This process was determined as the best measure to obtain an estimate of the number of fee waiver eligible students in each LEA.

In our scenario with Wilson District. They have secondary enrollment of 481 students. Based on the districts economically disadvantage of 13% (307 students) we estimate that 61 secondary students are eligible for fee waivers. However, they only granted 44, this leaves 17 students or 28% of the 61 students not participating in fee waivers.

The state average is 38%, so what does this mean for our fictitious district? The district is doing better than the state average at granting fee waivers for eligible students. To further improve, they may want to outreach to parents of students that have outstanding fees or work with Child Nutrition Program to help get the word out if a student qualifies for free lunch, they could also qualify for fee waivers. I actually saw a notice on a districts CNP web page that gave notice to parents about fee waivers.

So now we’ve looked at Wilson Districts compliance results and their statistical data. We bring these two reports together to determine an overall risk score.
Wilson School District did well on the statistical data.

**Average Cost per Student:** The LEAs average was below the State average, no risk points were assessed.

The % of students Not participating: The LEAs percentage was 28%, therefore they did not receive any risk points. Even though the state average was 38% we set the threshold at 45%. As this is the purpose of school fee waivers, it was weighted heavier than the average cost per student. The goal is to ensure that eligible students are being granted waivers. The 3 risk points would automatically put the LEA in the Moderate risk category.

**School Fee Calls:** The school fees team maintains a phone line that anyone can call asking for assistance or to file a complaint concerning school fees. Calls received from parents are also an indication that there is a potential problem. Most calls received are from schools and administration. These are not included in the risk matrix.

Then we come to the **Certificate of Compliance results:** This is where Wilson School District received the highest risk rating. The statistical numbers indicate they are doing a good job administering school fees. Their problem lies in the assurance of compliance. For the 5 questions that were determined to pose the most significant risk to students, risk points were assessed 1 point for each question for the superintendent/director and 1 point each for the board chair. This is part of their internal control system. The leadership sets the tone at the top, or the standard for the rest of the LEA. If leadership doesn’t know what to do, how can they expect their schools to know the requirements?

The principals were assessed .2 for each of the 5 questions. The more schools an LEA has the greater the risk of non-compliance.

Wilson School District’s overall risk score was 6.8 which is considered High.

LEA’s that receive a “High” risk score could potentially receive an on-site review in SY2022. On-site reviews will entail a closer look at the LEAs policies, registration process, the accounting of fees and fee waivers. From the on-site review it will then be determined if corrective action is warranted.
Fee Waivers
UAC R277-407-2

“(25) ‘Waiver’ means a full release from the requirement of payment of a fee and from any provision in lieu of fee payment.”

We have had several questions regarding fee waivers and how they apply to specific situations at LEA’s. First off, Board Rule defines what waiver means.
LEA Fee Waiver Policy & Procedures

Local fee waiver policies

- Align with Utah Code and Board Rule
  - Notification of waivers
  - Eligibility and documentation requirements
  - Designated School Fee Administrator
  - Confidentiality disclosure
  - No unreasonable demands

- Define local procedures
  - Case by case approval of fee waivers
  - Eligibility changes
  - Back dating of waivers
  - Denial and Appeal processes
  - Direct Certification disclosure processes

Each LEA must have a fee waiver policy in place that aligns with Utah Code and Board Rule. This includes but is not limited to:

- Notifying parents of waivers,
- Eligibility and documentation requirements,
- Who has been designated as the School Fee Administrator at each school,
- Maintaining of confidentiality for all those applying for fee waivers, and
- Not placing unreasonable demands on families for re-qualification of waivers.

LEAs are given flexibility in determining their own policy and procedures in some situations, including:

- A process for reviewing applications for fee waiver where eligibility may not meet the State minimum requirements,
- A process for addressing concerns when eligibility may change part way through the year (now eligible or no longer eligible),
- A process for receiving applications part way through the year and what fees would be waived, LEAs are required to waive fees from the time the application is submitted and approved but it is up to the LEA to decide whether to waive past due amounts or not, (consider: will the amounts not waived be sent to collections? Will schools be reimbursed for waiver amounts but not uncollectable amounts?)
- A process for handling denials and appeals, and
- if chosen, a procedure for handling direct certification disclosure processes.
Increase Notification of Fee Waiver Eligibility

Free Lunch Income Eligibility = Fee Waiver Income Eligibility

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<tr>
<th>Free Lunch Direct Certification:</th>
<th>Free Lunch Website Application:</th>
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<tr>
<td>• School receives notification from the state that a family qualifies for free lunch (verification of income)</td>
<td>• Family submits free lunch application online (not a verification of income)</td>
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<td>• Requires ‘Parental Disclosure Request’ signature* to share eligibility info:</td>
<td>• Requires ‘Parental Disclosure Request’ signature* to share eligibility info:</td>
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<td>1. Not required to consent to disclosure,</td>
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<td>2. Information used to facilitate enrollment of eligible students for fee waivers, and</td>
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<td>3. Will not affect their student’s eligibility for free or reduced lunch</td>
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<tr>
<td>• No additional documentation needed to verify eligibility</td>
<td>• School may request documentation to verify income eligibility</td>
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*See 7 CFR 245.6(h)(2)(ii)

One part of monitoring and risk rating are reviewing the number of students eligible versus the number of student participating in fee waivers. One option to increase the amount of individuals being notified of fee waiver eligibility is through Free Lunch Direct Certification.

When discussing Free Lunch Direct Certification, we are referring to the certification that each school receives from the state for those that qualify for Free Lunch. These families have been approved for TANF, Food Stamps, SNAP, or another type of state assistance. They have gone through a rigorous process to do so. The Fee Waiver Income amounts listed on the application match those published by the USDA for the Child Nutrition Program for free lunch.

So, if a school receives Direct Certification for Free Lunch for a student, that student automatically qualifies for fee waivers. The Child and Nutrition Program has specific requirements that must be met in sharing the information between the CNP Free Lunch Program and School Fees Fee Waiver Program.

1. Parent is not required to consent to 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 will not affect their children’s eligibility for free and reduced price meals or free milk.

No additional application is needed if a parent consents to disclose the information. Also see **School Fees Model Policy** (pg. 15)

The Direct Certification process is different than the Free Lunch Application they fill out on the website. The information that a parent submits online does not include verification of income. LEAs must still receive a Parental Disclosure Request. Once received the LEA can request additional documentation from a family to ensure their income meets the minimum requirements. The LEA has the discretion to approve fee waivers for incomes that may fall above the state minimum requirements.
Maintain records of:
Fee Waiver Approvals and Denials

- Number of students given fee waivers
- Number of students who worked in lieu of a waiver
- Dollar amount of fees waived, including worked in lieu of waiver
- Number of students denied fee waivers

Do not keep verification of income but all other counts of students and amounts waived must be maintained by the LEA. These are required to be reported on the Statistical Report. R277-407-14
Corrective Action
Technical Guidance vs. Corrective Action

Technical Guidance is when we have a concern filed with the School Fees Team and the risk is not high enough to warrant Corrective Action.

The SF team will reach out to the LEA via email to outline the concern and the requirements to correct the issue. In most cases, the LEA must respond within 15 days to the SF team that the concern has been received and will be addressed. If further clarification of the concern is needed, a phone call or meeting will be scheduled. There is no formal letter or meeting.

Corrective Action is issued if the risk level to students is high, concern has not been corrected through technical guidance, or multiple infractions have occurred.
Concern Received

Via School Fees Email

• Parent reported unauthorized Fees: Art teacher has 3 cabinets of art supplies the students can use. The 1st cabinet is for those who have not paid fees, the 2nd cabinet is for those who paid class fees at the time of registration, and the 3rd cabinet is for those that want to purchase supplies from the teacher to get the best quality of work done.

Compliance Review conducted

• Documentation:
  • Letter/email from teacher sent to parent. Letter requests funds and violates student confidentiality.
  • Current Fee Schedule – additional cost of supplies not listed.

• Risk Evaluation – High
• Corrective Action issued

A Parent complains that the art teacher has 3 cabinets of art supplies. 1st cabinet is for students that have NOT paid fees, 2nd cabinet is for students that paid fees at registration, and the 3rd is for students that want to purchase supplies from the teacher to get the best quality of work done.

SF team conducts a review, we look at the documentation. In this case the Parent provides an email from the teacher.

• Letter request funds for unpaid fees: this violates student confidentiality – teachers are not on the “need to know”

• Letter gives the items available for purchase – violates fees not on approved fee schedule.

In this particular case the complaint is considered high risk and corrective action would be issued. If it were just the case of the teacher selling supplies it would be considered technical guidance. We would contact the LEA, have the teacher discontinue charging a fee for supplies until the fee can be reviewed and considered for approval on the LEA fee schedule at 2 public meetings.

Because this also violates student confidentiality it would rise to the level of a corrective action.
Communication with LEA

A letter outlining the compliance issue and recommended corrective action steps is sent to:

- LEA superintendent or charter director
- LEA board chair
- LEA school fees contact
- Charter Authorizer
- USBE Superintendency

If deemed as Corrective Action a formal letter will be sent to the following individuals:

- Superintendent/Charter Director
- Board Chair
- School Fees Contact
- Charter Authorizer
- USBE Superintendency
The LEA will have 15 days from the receipt of the 1st letter to request an informal meeting with the school fees team. The informal meeting can be via phone, in person or even email correspondence. Also, the informal meeting is optional it is not required. This meeting is to clarify the allegation and to address the details of the recommendation if needed.

The LEA must formally acknowledge the CAP within 45 days receipt of the letter. This is per R277-407-16(2-3)
Corrective Action Plan Example

In our scenario with the art teacher a corrective action letter was sent, and the CAP form.

The CAP shows the details of non-compliance (the what is the issue), compliance criteria (the why it is an issue), Proposed Action (how to fix the issue to bring the LEA back into compliance).

If the LEA agrees and an informal meeting is not needed the LEA can simply initial, they concur with the recommendation and sign the corrective action plan and return to the school fees team with the 45 days. (which is listed in the response due date). The remedy doesn’t have to be completed within 45 days, just the formal acknowledgement.
The acceptance letter is the school fees team closing the loop. Everything is in writing and agreed upon.

If an LEA does not respond to the 1st letter, a second letter is issued. The LEA has 30 days from the receipt of the 2nd letter to send formal acknowledgement or request an appeal to appear before the Board within 15 days from the 2nd letter.

If the LEA doesn’t respond to the 1st letter or the 2nd letter or request an appeal. Financial consequences are mandated by R277-407-16-7.

The school fees team will monitor the plan depending on what the recommendation is, we may check back in 45 days, 90 days or in some case it may be from an issue that is done annually.
Once the LEA has completed the recommendations and provided evidence of the corrections. The CAP is closed and a closure letter will be sent to the LEA.
Upcoming Requirements
Reports & Deadlines

- April 1st – Fee Schedule Approval Deadline
- July 1st – 2020-2021 Statistical Report
  (Qualtrics data collection: May 15th – June 15th)
- October 31st – Certificate of Compliance

The July 1st Statistical Report requirement is due to Legislative Session 2020 HB 80. This is a one time requirement and will not be requested in July again.

We will be distributing a Qualtrics survey to collect the data beginning May 15th through June 15th. For those LEAs that do not submit the information during this time, we will work them to get the amounts submitted to us by July 1st.
In order to receive accurate data, we have provided definitions for each of the items that will be collected on the Statistical Report July 1st.

See [www.schools.utah.gov/schoolfees Certificate of Compliance tab](http://www.schools.utah.gov/schoolfees) for a list of definitions.
Current Requirements

• LEAs **cannot use** revenue collected through **fees to offset the cost of fee waivers** (R277-407(8)(2)(a))

• An LEA shall establish a **spend plan** for each fee charged; and **share revenue** lost due to fee waivers across the LEA (R277-407-13(2))

• An LEA that has multiple schools shall establish a **procedure to identify and address potential inequities** due to the impact of fee waivers (R277-407-13(4)(b))

• LEA **may not** impose an additional fee or increase a fee to **supplant or subsidize** another fee (53G-7-503(3)(b))
Upcoming Requirements by School Year

School Year 2021-2022

- Fees must be equal or less than the cost of the activity (53G-7-503(3)(a)) – *Due to SB178 delayed to 2022-2023*

- LEAs must **accrue record** school fees and fee waivers in the LEA’s accounting system and use **contra-revenue accounts** to record fee waivers in the LEA’s accounting system; (R277-113-8(f))

The requirement in 53G-7-503 has been postponed due to the passing of Senate Bill 178 until 2022-2023.

The requirement in R277-113-8 is currently being discussed in Finance Committee. A recommendation to change the wording of the requirement has been presented. Additional information will be forthcoming.
Upcoming Requirements by School Year

School Year 2022-2023

• LEAs **may not** sell textbooks or otherwise charge a **textbook fee** (53G-7-601(3)(a))
Questions?

USBE School Fees Team

Phone: 801.538.7762
Email: schoolfees@schools.utah.gov
Website: www.schools.utah.gov/schoolfees

Questions?

USBE School Fees Team

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