

Fee Waiver Summary

Guidance Document on School Fees

This guide is written to help navigate the Utah state law regarding school fee waivers and waiver eligibility. The purpose is to direct the reader to the authoritative administrative rule R277-407 and the Utah Code Annotated (UCA) 53G-7-Part 5. More information and sample forms for student fee waiver applications can be found on the website: <https://schools.utah.gov/schoolfees>.

Overview:

1. All fees are subject to waiver. (UCA R277-407-8(1))
2. All students that are denied fee waiver requests have the right of an appeal. (R277-407-6(7), R277-407-8(9), R277-407-14(1)(f))

LEA Fee Waiver Policy:

Each LEA that charges fees is required to adopt a fee waiver policy for review and appeal of fee waiver requests. This policy must:

1. provide parents the opportunity to review proposed alternatives to fee waivers,
2. establish a timely appeals process, and
3. suspend any requirement that a given student pay a fee during any period for which the student's eligibility for waiver is under consideration or during which an appeal of denial of a fee waiver is in process.

The policy must include easily understood procedures for obtaining fee waivers and for appealing an LEA's denial of a fee waiver, as soon as possible before the fee becomes due. (R277-407-6(7)(a))

LEA Fee Waiver Administration:

Each LEA that charges fees must designate at least one person at an appropriate administrative level in each school to review and grant fee waiver requests. The process for obtaining fee waivers or pursuing an alternative to fee waivers must be administered fairly, objectively, and without delay. The application process must avoid stigma, embarrassment, undue attention, and unreasonable burdens on students and parents. The application process must have no visible indicators that could lead to identification of fee waiver applicants and may not have students help with the application process. Likewise, all FERPA confidentiality requirements must also be met during this process. (R277-407-8(4), (5); R277-407-14(1)(a), (b), (c), (d))

An LEA may not treat a student receiving a fee waiver or provision in lieu of fee waiver differently from other students, and may not identify a student on fee waivers to students, staff members, or other persons who do not need to know. (R277-407-8(6), (7))

Fee Waiver Eligibility:

A student is eligible for a fee waiver if an LEA receives verification of any of the following:

1. family receives Temporary Assistance for Needy Families (TANF) or Supplemental Nutrition Assistance Program (SNAP);
2. the student to whom the fee applies receives Supplemental Security Income (SSI) for a qualifying disability;

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3. the student is designated McKinney-Vento;
4. the student is in foster care;
5. the student is in state custody; or
6. the student's family's income meets the levels set by the Superintendent.

If a student does not qualify under these standards, the school shall grant a fee waiver or provide an alternative to fee payment if charging the fee would deny the student the opportunity to fully participate or complete a requirement because of an inability to pay a fee. (UCA 53G-7-504; R277-407-10)

Verification must be received by the LEA for a student to qualify under these standards. Verification may include but is not limited to:

1. benefit verification from the Utah Department of Workforce Services for the period for which the fee waiver is sought, this may include an electronic screenshot of eligibility determination or status, if the student's family receives TANF or SNAP;
2. benefit verification documents from the Social Security Administration if the student receives SSI for a qualifying disability;
3. designation of the student as McKinney-Vento by the LEA's liaison;
4. a youth in care required intake form and school enrollment letter, provided by a case worker from the Utah Division of Child and Family Services or the Utah Juvenile Justice Department if the student is in foster care or state custody;
5. family income verification in the form of income statements, pay stubs, or tax returns (See Fee Waiver Eligibility: Family Income Definition).

The income levels established by the State Superintendent are set to correspond to the income levels for the federal free lunch program and may be found at schools.utah.gov/schoolfees on the fee waiver application form. (R277-407-10(2), (3))

Questions, Comments, or Concerns? Contact the state School Fees team at schoolfees@schools.utah.gov.