



Donations, Fundraisers, and Permissible Student Fees

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Overview

This manual provides general guidelines and procedures regarding permissible and impermissible student fees, charges, and donations, as well as organizing fundraisers.

Under the California Constitution, the free school guarantee prohibits charging students any fee, charge, or deposit for curricular, extracurricular, credit, or non- credit activities that are part of the District or a school site's educational program.

There are, however, specific statutes in the Education Code and other laws which identify definite circumstances when fees and charges are permissible. Those specific situations are included in this manual.

Nothing in the law prohibits voluntary donations, contributions, and fundraising by students and their families to support District and school site programs, so long as monetary donations, contributions, and fundraising activities are not made mandatory for students and their families and there are no conditions placed upon the donation.

Charges by private businesses to students for services that are not integral parts of the District or a school site's educational program are permissible, even if facilitated by the District or school site (e.g., school pictures or sports pictures).

To help our families and community understand how they can best support the programs their children are participating in, clear communication is critical. Should you have questions regarding student fees, charges, donations, or fundraisers, contact your child's site principal or the Nevada Joint Union High School Business Services Department at 273-3351, extension 210.

General Rules

| Rule | Authority |
|---|--|
| The free school guarantee under the California Constitution prohibits charging students any fee, charge or deposit for curricular, extracurricular, credit, or non-credit activities that are part of the District's or a school sites' educational program. | California Constitution, article IX, § 5 Hartzell v. Connell (1984) 35 Cal.3d 899 Cal. Code Regs., tit. 5, § 350 |
| Fees and charges are permissible where specifically provided for by the Education Code. | Cal. Code Regs., tit. 5, § 350 |
| Voluntary donations, contributions, and fundraising by students and their families to support District and school site programs are always permissible, so long as donations, contributions, and fundraising activities are not made mandatory for students and their families. | Ed. Code, §§ 41032, 41037 Ed. Code, § 35160 et seq. Ed. Code, §§ 51520, 51521 81 Ops. Cal. Atty. Gen. 153 (1998) |
| Charges by private businesses to students for services that are not integral parts of the District or school site's educational program are permissible, even if facilitated by the District or school site (e.g., school pictures or sports pictures). | California Constitution, article IX, § 5 Hartzell v. Connell (1984) 35 Cal.3d 899 |

Permissible Student Charges and Fees

| Permissible Charge | Authority |
|---|--|
| Fabrication-Purchase Fees | <p>Education Code § 17551</p> <p>Students may be charged a fabrication-purchase fee for the direct costs in purchasing a project/property fabricated in a class such as a bookcase in woodshop. The charge is limited to the direct costs for the project. Absent purchase of the project for its direct costs, the school site may keep the project as its own personal property. Distinct from a Fabrication-purchase fee for direct costs, up front general fees for supplies are <i>not</i> permissible.</p> |
| Charge for damaged school property or failure to return school property on loan to student | <p>Education Code § 48904, subd. (b)(1)</p> <p>“Any school district . . . whose real or personal property has been <i>willfully cut, defaced, or otherwise injured, or whose property is loaned to a pupil and willfully not returned upon demand of an employee of the district . . .</i> authorized to make the demand may, after affording the pupil his or her due process rights, <i>withhold the grades, diploma, and transcripts of the pupil responsible for the damage</i> until the pupil or the pupil’s parent or guardian has paid for the damages thereto, as provided in subdivision (a).”</p> |
| Science Camp Fees | <p>Education Code §§ 35335 and 8760</p> <p>While the Education Code allows for this fee, <i>it cannot be mandatory</i>, and a student cannot be denied the opportunity to participate in science camp for nonpayment of the fee.</p> |
| Field Trip Transportation Fees | <p>Education Code § 35330</p> <p>Although the Education Code allows for the charge of a fee for the direct transportation costs for field trips, <i>students cannot be denied the opportunity to participate in the field trip for failure to pay the fee.</i></p> |
| Transportation Fees for transporting students to and from school, or between school and occupational training courses | <p>In <u>Arcadia Unified School District v. State Dept. of Ed. (1992)</u> 2 Cal.4th 251, the California Supreme Court held that the free school guarantee applies only to “educational activities” and, as a result, transportation fees under Education Code section 38907.5 were permissible.</p> <p>The fee shall be no greater than the statewide average non- subsidized cost of providing this transportation to a student on a publicly owned or operated transit system, and no fee shall be charged indigent or handicapped children.</p> |

Permissible Student Charges and Fees (con't)

| Permissible Charge | Authority |
|---|--|
| Transportation Fees for transporting students to and from their places of employment during the summer in connection with any summer employment program for youth | Ed. Code, § 39837 "The governing board of any school district may use and operate any bus owned or under lease to the district for the transportation of pupils to and from their places of employment during the summer in connection with any summer employment program for youth. The governing board shall require the payment of a reasonable charge for transportation so furnished" |
| Parking Fees | Consistent with the ruling in <u>Arcadia Unified School District v. State Dept. of Ed.</u> (1992) 2 Cal.4th 251, and transportation fees under Education Code section 39807.5, Vehicle Code section 21113 gives the District authority to limit and impose conditions on parking on school grounds, and parking on school grounds is not an educational activity. Therefore, high schools may impose a reasonable parking fee. |
| Insurance for Athletic Team Members | Ed. Code, § 32221 If a member of the team is financially unable to pay the cost of insurance, the district must cover the cost. |
| Insurance for Medical or Hospital Service for students participating in excursions and field trips | Ed. Code, §§ 35330, subd. (b)(1), 35331 No student may be prevented from making the excursion or field trip because of lack of sufficient funds. |
| Student Fingerprinting Program | Ed. Code, § 32390 The fee shall be calculated to reimburse the district only for the actual costs of the fingerprinting program. |
| Deposits for school band instruments, music, uniforms, and other regalia <i>that the band members take with them on excursions to foreign countries</i> | Ed. Code, § 38120 As described below in Impermissible Fees, such a fee or deposit is not permitted for band instruments, music, uniforms, and other regalia when not for the specific use on excursions to foreign countries. |
| Fees for Community Service Classes | Ed. Code, § 51815 The fees may not exceed the cost of maintaining such classes. |
| Eye Safety Devices | Ed. Code, § 32033 ("eye protective devices may be sold to the pupils and teachers . . . at a price that shall not exceed the actual cost of the eye protective devices to the school or governing board."). |

Permissible Student Charges and Fees (con't)

| Permissible Charge | Authority |
|---|---|
| Copies of Public Records | Gov. Code, § 6253 The charge is limited to the direct costs of duplication. |
| School Curriculum Prospectus | Ed. Code, § 49091.14 "When requested, the prospectus shall be reproduced and made available. School officials may charge for the prospectus an amount not to exceed the cost of duplication." |
| Food Sold at School | Ed. Code, § 38084 This is limited by and subject to free and reduced price meal program eligibility and other restrictions specified in law. |
| Tuition for students whose parents are actual and legal residents of any adjacent state or adjacent foreign country | Ed. Code, §§ 48050, 48052, 52613 8 U.S.C. § 1184 |
| Childcare and Development Services | Ed. Code, § 8263, subd. (g)(1) |
| Yearbooks | The sale of yearbooks is a fundraising activity, and possession of a yearbook is not an integral part of the educational process. |
| Adult Education Classes, Books, and Materials, as specified in law | Ed. Code, §§ 52612, 60410 There exist limitations to such fees and charges under Education Code section 52612, which are discussed below under Impermissible Fees. |
| Certain Adult Education Instruction for Nonimmigrant Aliens | Ed. Code, § 52613 If the District offers "classes for adults that issues a Certificate of Eligibility for Nonimmigrant (F-1) Student Status - For Academic and Language Students, Form I-20AB, or completes Form I-20AB for a nonimmigrant alien, for the purposes of enrolling the nonimmigrant alien in a class in English and citizenship for foreigners or a class in an elementary subject, shall charge the nonimmigrant alien a fee to cover the full costs of instruction, but in no case shall the fee exceed the actual cost of the instruction" |

Permissible Student Charges and Fees (con't)

| Permissible Charge | Authority |
|---|--|
| Physical Education Uniforms | <p>Ed. Code, § 49066 CDE Fiscal Management Advisory 97-02 ("CDE Fiscal Advisory")</p> <p>The design and color must be of a type sold for general wear outside school, and the student's grade may not be adversely affected due to the fact that the student does not wear the uniform, where the failure to wear the uniform arises from circumstances beyond the student's control.</p> |
| Workbooks or other instructional packets, if such materials are also available free of costs, under specific conditions | <p>So long as workbooks and instructional materials are provided free of costs, the District may impose a direct costs fee for the voluntary purchase of the workbook or instructional materials. The materials must be made available free of costs to students who do not wish to purchase them, and actual ownership of the materials cannot be required for successful completion of the curriculum (e.g., students cannot be required to turn in assignments taken directly from a workbook that would require students to either purchase the workbook or expend funds to copy the workbook materials on loan in order to turn in the assignment).</p> |

Impermissible Fees and Charges

| Impermissible Charge | Authority/Explanation |
|---|--|
| Instructional Materials | Education Code § 60070 "No school official shall require any pupil . . . to purchase any instructional material for the pupil's use in the school." |
| Necessary School Supplies | Education Code § 38118 "Writing and drawing paper, pens, inks . . . crayons, lead pencils, and other necessary supplies for the use of the schools, <i>shall be furnished</i> under direction of the governing boards of the school districts."). |
| Band instruments, band and choir uniforms | Education Code § 38111 There is an exception to this rule discussed above in Permissible Fees for purposes of excursions to foreign countries. |
| Participation in any District or school site athletic or other extracurricular offering such as band, choir, or drama | California Constitution, article IX, § 5 Hartzell v. Connell (1984) 35 Cal.3d 899 Cal. Code Regs., tit. 5, § 350 |
| Student body membership fees as a condition for enrollment or participation in curricular or extracurricular activities sponsored by the school | Hartzell v. Connell (1984) 35 Cal.3d 899 Cal. Code Regs., tit. 5, § 350 CDE Fiscal Advisory |
| Admission to an exhibit, fair, theater, or similar activity for instruction or extracurricular purposes when a visit to such places is part of the District's educational program | California Constitution, article IX, § 5 Hartzell v. Connell (1984) 35 Cal.3d 899 Cal. Code Regs., tit. 5, § 350 CDE Fiscal Advisory |
| Any class or course of instruction, including summer or vacation school, examination fees, late registration or program change fees, a fee for a diploma or certificate, or a lodging fee | Hartzell v. Connell (1984) 35 Cal.3d 899 Cal. Code Regs., tit. 5, § 350 CDE Fiscal Advisory |

Impermissible Fees and Charges (con't)

| Impermissible Charge | Authority/Explanation |
|---|--|
| CAHSEE Intensive Instruction and Services | <p>California Constitution, article IX, § 5 Hartzell v. Connell (1984) 35 Cal.3d 899 Cal. Code Regs., tit. 5, § 350 Ed. Code, § 37254</p> <p>The ban of fees or charges for this purpose applies whether the District provides such instruction or services through its secondary or adult education programs.</p> |
| Tests, passage of which will result in high school credits, even if the class and course work proceeding test are provided for free | <p>California Constitution, article IX, § 5 Hartzell v. Connell (1984) 35 Cal.3d 899 Cal. Code Regs., tit. 5, § 350 CDE Fiscal Advisory</p> |
| Adults taking classes for high school credit, and who have not obtained a high school diploma | <p>Ed. Code, § 52612</p> <p>“No fee charge shall be made for a class designated by the governing board as a class for which high school credit is granted when the class is taken by a person who does not hold a high school diploma”</p> <p>(This includes adults returning to school after dropping out if they have not obtained a high school diploma and are taking the class for high school credit.)</p> |
| Adult education classes in English and citizenship for foreigners or a class in an elementary subject | <p>Ed. Code, § 52612</p> <p>There is a small exception to this limitation under Education Code section 51613, which is discussed above under Permissible Fees).</p> |
| * Unless specifically authorized and stated in by the Legislature, the grant of flexibility in the use and spending of categorical funding, for example for adult education, does not affect the free school guarantee requirements and bar to non-statutory student fees and charges described herein. | <p>California Constitution, article IX, § 5 Hartzell v. Connell (1984) 35 Cal.3d 899 Cal. Code Regs., tit. 5, § 350</p> |

FAQs (Frequently Asked Questions)

The subject of student fees, charges, deposits, donations and fundraising related to courses and activities has been at the forefront of public attention locally and nationally. What follows are responses to some of the Frequently Asked Questions:

Question

May a school still receive donations from parents and guardians?

Answer

Yes. School districts, schools, programs, and classes can and do seek and accept donations of funds and property, and this practice is permissible as long as the donation is truly voluntary and in no way a prerequisite to participation in the program or activity. Therefore, any statement or explanation related to a donation that could lead a reasonable person to believe the donation may not be truly voluntary is to be avoided. Access to educational programs must not be tied to either the willingness or the ability to pay a fee or request a fee waiver.

Question

May a school still fundraise?

Answer

Yes. As with donations, school districts, schools, programs and classes can and do engage in fundraising activities and programs, and this practice is also permissible as long as the raising of funds is voluntary. You may require students to attend a fundraising event; however, if they are unable to raise funds for the event, you cannot prevent them from participating in an educational or extra-curricular activity. It is important to distinguish required fundraising from required attendance at fundraising event as attendance at a fundraising event is the same as attendance at practices, games, rehearsals, or performances which are all an expected aspect of participation. For example, expecting the members of a vocal ensemble to attend a fundraising concert that is on its calendar of events does not violate the “free school” guarantee, so long as attendance is the only requirement. Another example is when members of an athletic team are expected to help out with a fundraising sale at a Back to School Night or Open House – just as a coach can expect players to attend practices and games, the coach can expect players to attend a fundraising event as long as the requirement is to attend rather than to raise money as a condition of participation in the activity or program. ***Fundraising effort cannot be tracked by student. Fundraising efforts should focus on a “team or activity goal” rather than individual goals. Again, students cannot be required to fundraise and, therefore, fundraising efforts should not be tracked individually.***

Question

May a school charge fees for uniforms for teams sports?

Answer

No. A school must provide a free uniform to any student who is a member of the school team in question. Further, the free uniform must be substantially the same uniform as those which are made available for purchase. You can allow students to purchase their own uniforms if they want to purchase uniforms; however, buying a uniform cannot be a requirement to participate in a sport.

Question

May a school require team members to purchase Spirit Packs?

Answer

No. Spirit packs may be sold; however, you cannot require a student to purchase a spirit pack as a prerequisite to participate in a sport. If there are practice uniforms, etc., which are required, they must be provided free of charge to any student who is a member of the school team in question.

Question

What if a school only charges fees to those students who can afford them; and has a waiver process for those who cannot?

Answer

A waiver process based on financial need or inability to pay does not make an otherwise impermissible fee permissible.

Question

How does a classroom pay for field trips if they cannot ask for donations?

Answer

Districts may collect fees for field trips and excursions in connection with courses of instruction, or school-related social activities, educational, cultural, athletic, and school band activities, so long as no pupil is prevented from making the field trip or excursion because of lack of sufficient funds. More specifics are in the following CA Education Code (E.C.) Sections:

“E.C. 35330(b)(1)—No pupil shall be prevented from making the field trip or excursion because of lack of sufficient funds.

E.C. 35330 (2)—No group shall be authorized to take a field trip or excursion authorized by this section if a pupil who is a member of an identifiable group will be excluded from participation in the field trip or excursion because of lack of sufficient funds.”

Per an Attorney General’s Opinion, a school is prohibited from requiring a student to pay an admission charge to an exhibit, fair, theater, or similar activity for instruction or extracurricular purposes, when a visit to such a place is part of the district’s educational program.

Question

May a school charge fees for things?

Answer

Yes. There are specific fees, charges and deposits are that legally permissible because they are specifically permitted by law. These specific fees, charges and deposits are legally permissible:

- Charges for optional attendance as a spectator at a school or District sponsored activity.
- Charges for food served to students, subject to free and reduced price meal program eligibility and other restrictions specified in law.
- Paying the replacement cost for District books or supplies loaned to a student that the student fails to return, or that is willfully cut, defaced or otherwise injured, up to an amount not to exceed \$17,112 (2010-11).
- Fees for field trips and excursions in connection with courses of instruction or school related social, educational, cultural, athletic, or school band activities, as long as no student is prevented from making the field trip or excursion because of lack of sufficient funds.
- Medical or hospital insurance for field trips that is made available by the school district.

- Charges for required medical and accident insurance for athletic team members, so long as there is a waiver for financial hardship.
- Charges for standardized physical education attire of a particular color and design, but the school may not mandate that the attire be purchased from the school and no physical education grade of a student may be impacted based on the failure to wear standardized apparel “arising from circumstances beyond the control” of the student.
- Charging for the parking of vehicles on school grounds.
- Charges for the rental or lease of personal property needed for District purposes, such as caps and gowns for graduation ceremonies.
- Fees for school camp programs, so long as no student is denied the opportunity to participate because of nonpayment of the fee.
- Reimbursement for the direct cost of materials provided to a student for property the student has fabricated from such materials for his/her own possession and use, such as wood shop, art, or sewing projects kept by the student.
- Reimbursement for the actual cost of duplicating public records, student records, or a prospectus of the school curriculum.
- Fees for transportation to and from school, and transportation between school and regional occupational centers, programs or classes, as long as the fee does not exceed the statewide average nonsubsidized cost per student and provided there is a waiver provision based on financial need.
- Fees for transportation of pupils to places of summer employment.
- Tuition fees charged to pupils whose parents are actual and legal residents of an adjacent foreign country or an adjacent state.
- Tuition fees collected from foreign students attending a District school pursuant to an F-1 visa, equal to the full unsubsidized per capita cost of providing education during the period of attendance.
- Fees for an optional fingerprinting program for kindergarten or other newly enrolled students, if the fee does not exceed the actual costs associated with the program.
- Fees for community classes in civic, vocational, literacy, health, homemaking, and technical and general education, not to exceed the cost of maintaining the community classes.
- Deposits for band instruments, music, uniforms and other regalia which school band members take on excursions to foreign countries.
- Charges for eye safety devices, at a price not to exceed the district's actual costs, in specified courses or activities in which students are engaged in, or are observing, an activity or the use of hazardous substances likely to cause injury to the eyes.

Question

Students run for and serve on the ASB Board have been required in the past to purchase ASB stickers/cards, is this still ok to do?

Answer

No. ASB stickers/cards are optional item for all students. Students cannot be required to buy ASB stickers/cards in order to run for an office or as a condition to participate in a club/organization or try out for a team or sport.

Question

Key Club and CSF Club both have collected dues from students in the past because they pay annual registrations to organizations on the national level. Is it still ok to collect these dues from students?

Answer

Students cannot be required to pay the dues as a condition for membership in the club at the school level. If the national level club/organization collects dues, the students should be directed to pay them directly to the organization, but membership in the national level club/organization cannot be a requirement for membership in the school level club.

Question

In the past some classes like Art or Ceramics have charged each student \$10 to \$20 for extra materials for creations that students take home and keep. Is it still ok to charge students for extra materials?

Answer

Students can be charged for materials if they will take home what they make. However, students should be able to make things they do not take home if they do not want to pay for extra materials. Understandably, this means that students (1) make things that they do not take home and we throw it away; or (2) in the case of a ceramics course, they cannot fire their clay items in the kiln, so that the clay remains reusable.

Question

Does the student fees policy apply to club sports such as Mountain Biking? Our high school does not fund the sport. Coaches are finger-printed and processed by the district. Equipment, tournament fees and other team expenses have always been covered 100% by parents.

Answer:

School-associated club sports are extracurricular activities and, therefore, subject to the same fee limitations as any other extracurricular activity. Funding must be through donations, not mandatory fees.

Question

I have a question that isn't answered above, what should I do?

Answer

Parents, guardians, students, faculty, and staff should direct questions about school-specific matters needing clarification/explanation directly to the school's principal. **Principals** should contact the Assistant Superintendent for Business for guidance and support with responses to school-specific questions about student fees, charges, deposits, donations and fundraising.

Sample Letters Requesting Donations

Dear Parent or Guardian,

I am pleased that your student has enrolled in our Beginning Consumer Foods class as his/her elective. We have a challenging and interesting curriculum planned.

Students benefit from a hands-on, “learn by doing” educational experience, and we put this into practice with many exciting labs. We cook on an average three to four days a week. We start the year using locally grown farm fresh produce to make fresh salsa, bruschetta, pesto and pasta, and raspberry jam with homemade bread. As our semester progresses, the students hone their skills making delicious desserts, nutritious main courses, and a myriad of other dishes. The second semester, we delve into cuisines of the world and students become competent at making Spanish tapas, French crepes, Italian minestrone, and Mexican tortilla soup, to name just a few. Best of all, the students get to eat everything they make!

Our school budget is very tight, and without student contributions, our curriculum would not be able to include any cooking. We do have an excellent textbook, and useful videos which supplement our program, and we will be teaching from these resources in place of cooking labs, depending on our funding.

To cover the cost of food, we ask that each student contribute \$100 for the school year. Any additional donation that your family is able to make is very much appreciated. All donations are tax deductible.

Please return the bottom portion of this form, letting me know if you will be able to contribute to our program. This will allow me to plan my curriculum and determine the number of days we will cook. So that I know that you received this letter, your student will receive 50 points toward their homework grade when they return it to me with your signature.

I am looking forward to a wonderful year with your student.

Sincerely,

Home Economics Instructor

Student name _____ period in Consumer Foods _____.

I will be able to donate \$_____ towards my son/daughter’s cooking class.

Parent signature_____

Parent email_____ Parent phone number_____

Dear Parents,

I would like to start out by wishing you a Happy New Year and thank you again for all of your continued support! As we move into the second semester of the year we are once again reaching out to parents in the hopes of receiving donations to help support the continued excellence of the wood/engineering program. We are asking parents for a \$40 donation per semester to help purchase materials. Your donations will help pay for items like wood, clock components, pen kits, lamp components, hinges, finishing materials and other items that enrich the diversity of projects students design and build.

Once again I am very grateful for your contributions and look forward to possibly meeting you in the near future.

Warm Regards,

Teacher

Please make checks payable to _____ High School and send back with this letter.

Parent Signature

Dear Parents/Guardians,

As you can well imagine, the process of running an Athletic Program is not a small undertaking. With rising costs in transportation, equipment, uniforms, officiating fees, facility use, and maintenance needs, this task, at times, seems very difficult, indeed. All of these financial constraints have been intensified this year due to significant state funding reductions and declining enrollment. We continue to do our best to reduce costs while offering a tremendous list of opportunities for our students.

The Athletic Department of _____ High School and the individual sports programs are dependent on your continued financial support. Without this support programs may be impacted significantly.

Each season your coach will review plans for fundraising opportunities.

He/She will also ask for your support in the form of a donation to the program. These donations are used to pay for items such as transportation, officials, entry fees, and uniforms. Donations made to a specific program, benefit that program directly.

Although this is a donation, it has been a very important factor in the success of our athletic programs. We understand the financial pressures of our current economy and hope you can continue to offer your support.

Thank you for your continued support of _____ athletic teams, and, more specifically, thanks for your continued support of the students who benefit from their participation in these programs.

Sincerely,

Athletic Director

Policy Information

Series 1000 - Community Relations

Solicitation of Funds from and By Students

Policy # 1321

The Governing Board recognizes that student participation in fund-raising activities for the schools and nonprofit, nonpartisan charitable organizations can help develop a sense of social responsibility in students, enhance the relationship between the school and community, and contribute to the improvement of the school program.

Whether solicitations are made on behalf of the school or on behalf of a charitable organization, students shall not be barred from an event or activity because they did not participate in fund-raising. Potential donors, including parents/guardians and members of the community, should not be unduly pressured to contribute to the school system or charitable organizations. Staff is expected to emphasize the fact that donations are always voluntary.

The Superintendent or designee shall ensure that parents/guardians are informed of the purpose of fund-raisers.

Solicitations on Behalf of the School

With the prior written approval of the Superintendent or designee, official school-related organizations may organize fund-raising events involving students. After the fund-raiser is held, parents/guardians shall be informed how much money was raised and how it was spent.

Solicitations on Behalf of Charities

When approved in advance by the Superintendent or designee, nonprofit, nonpartisan organizations that are properly chartered or licensed by state or federal law may solicit students on school grounds during school hours and within one hour before school has opened and one hour after school has closed. (Education Code 51520)

Policy References:

Education Code

51520 Prohibited solicitations on school premises

51521 Unlawful solicitations of contribution or purchase of personal property for benefit of public school or student body; exception

Business and Professions Code

17510-17510.95 Charitable solicitations

Penal Code

319-329 Raffles

Revenue and Tax Code

6361 Sales tax exemption for certain sales

Code of Regulations, Title 8

11706 Dangerous activities and occupations

Adoption Date: 2/14/1991, Revised: 5/19/2005

1000 - Community Relations

POLICY

Business and Noninstructional Operations

Fees and Charges

The Governing Board recognizes its responsibility to ensure that books, materials, equipment, supplies, and other resources necessary for students' participation in the educational program are made available to them. No student shall be required to pay any fees, deposits, or other charges for his/her participation in an educational activity which constitutes an integral fundamental part of the district's educational program, including curricular and extracurricular activities.

(cf. 1321 - Solicitation of Funds from and by Students)
 (cf. 3100 - Budget)
 (cf. 6145 - Extracurricular and Cocurricular Activities)

As necessary, the Board may approve fees, deposits, and other charges which are specifically authorized by law. For such authorized fees, deposits, and charges, the district shall consider students' and parents/guardians' ability to pay when establishing fee schedules and granting waivers or exceptions.

(cf. 3250 - Transportation Fees)
 (cf. 3515.4 - Recovery for Property Loss or Damage)
 (cf. 3553 - Free and Reduced Price Meals)
 (cf. 5143 - Insurance)
 (cf. 9323.2 - Actions by the Board)

Whenever a student or parent/guardian believes that an impermissible fee, deposit, or other charge is being required of the student for his/her participation in an educational activity, the student or his/her parent/guardian may file a complaint with the principal or designee using the district's procedures in BP/AR 1312.3 - Uniform Complaint Procedures. (Education Code 49013)

(cf. 1312.3 - Uniform Complaint Procedures)

The Superintendent or designee shall include information in the annual notification required by 5 CCR 4622 to be provided to all district students, parents/guardians, employees, and other interested parties about the requirements relating to the prohibition against districts requiring students to pay fees, deposits or other charges in order to participate in an educational activity, unless authorized by law, and the filing of complaints for alleged violations using the uniform complaint procedures. (Education Code 49013)

Legal Reference:

EDUCATION CODE

8239 Preschool and wraparound child care services
8263 Child care eligibility
8760-8773 Outdoor science and conservation programs
17551 Property fabricated by students
19910-19911 Offenses against libraries
32033 Eye protective devices
32221 Insurance for athletic team member
32390 Fingerprinting program
35330-35332 Excursions and field trips
35335 School camp programs
38080-38085 Cafeteria establishment and use
38120 Use of school band equipment on excursions to foreign countries
39807.5 Payment of transportation costs
39837 Transportation of students to places of summer employment
48050 Residents of adjoining states
48052 Tuition for foreign residents
48904 Liability of parent or guardian
49010-49013 Student fees
49065 Charge for copies
49066 Grades, effect of physical education class apparel
49091.14 Prospectus of school curriculum
51810-51815 Community service classes
52612 Tuition for adult classes
52613 Nonimmigrant aliens
60410 Students in classes for adults

GOVERNMENT CODE

6253 Request for copy; fee

CALIFORNIA CONSTITUTION

Article 9, Section 5 Common school system

CODE OF REGULATIONS, TITLE 5

350 Fees not permitted

4622 Notice

UNITED STATES CODE, TITLE 8

1184 Foreign students

COURT DECISIONS

Driving School Assn of CA v. San Mateo Union HSD (1993) 11 Cal. App. 4th 1513
Arcadia Unified School District v. State Department of Education (1992) 2 Cal 4th 251
Steffes v. California Interscholastic Federation (1986) 176 Cal. App. 3d 739
Hartzell v. Connell (1984) 35 Cal. 3d 899
CTA v. Glendale School District Board of Education (1980) 109 Cal. App. 3d 738

Management Resources:

CALIFORNIA DEPARTMENT OF EDUCATION MANAGEMENT ADVISORIES

1030.97 Fiscal Management Advisory 97-02: Fees, Deposits and Other Charges

WEB SITES

CSBA: <http://www.csba.org>

California Department of Education: <http://www.cde.ca.gov>

ADMINISTRATIVE REGULATION

Business and Noninstructional Operations

Fees and Charges

The district shall not require any district student to pay any fees, deposits, or charges except as specifically authorized by law. (Education Code 49011; 5 CCR 350)

When approved by the Governing Board, the Superintendent or designee may impose a fee for the following:

1. Insurance for athletic team members, with an exemption for financial hardship (Education Code 32221)
(cf. 5143 - Insurance)
2. Insurance for medical or hospital service for students participating in field trips and excursions (Education Code 35331)
3. Expenses of students' participation in a field trip or excursion to another state, the District of Columbia, or a foreign country, as long as no student is prohibited from making the field trip due to lack of funds (Education Code 35330)
4. Student fingerprinting program (Education Code 32390)
5. School camp programs operated pursuant to Education Code 8760-8773 provided that the fee is not mandatory (Education Code 35335)
6. Personal property of the district fabricated by students, as long as the cost of the property does not exceed the cost of the materials provided by the district (Education Code 17551)
7. Home-to-school transportation and transportation between regular, full-time day schools and regional occupational centers, programs, or classes, as long as the fee does not exceed the statewide average nonsubsidized cost per student and as long as exemptions are made for indigent and disabled students (Education Code 39807.5)
8. Transportation to and from summer employment programs for youth (Education Code 39837)

9. Deposit for band instruments, music, uniforms, and other regalia which school band members take on excursions to foreign countries (Education Code 38120)
10. Fees for community service classes (Education Code 51815)
11. Eye safety devices, at a price not to exceed the district's actual costs (Education Code 32033)
(cf. 5142 - Safety)
12. Actual cost of furnishing copies of any student's records except, if he/she is a former student, up to two transcripts or two verifications of his/her various records (Education Code 49065)
(cf. 5125 - Student Records)
13. Actual costs of duplication for copies of public records (Government Code 6253)
(cf. 1340 - Access to District Records)
14. Actual costs of duplication for reproduction of the prospectus of school curriculum (Education Code 49091.14)
(cf. 5020 - Parent Rights and Responsibilities)
15. Food sold at school subject to free and reduced-price meal program eligibility and other restrictions specified in law (Education Code 38084)
(cf. 3550 - Food Service/Child Nutrition Program)
(cf. 3551 - Food Service Operations/Cafeteria Funds)
(cf. 3553 - Free and Reduced Price Meals)
(cf. 3554 - Other Food Sales)
16. Fines or reimbursements for lost or damaged district property or damage to library property (Education Code 19910-19911, 48904)
(cf. 3515.4 - Recovery for Property Loss or Damage)
17. Tuition for district school attendance by an out-of-state and out-of-country resident (Education Code 48050, 48052, 52613; 8 USC 1184)
(cf. 5111.2 - Nonresident Foreign Students)
18. Adult education books, materials, and classes as specified in law (Education Code 52612, 60410)
(cf. 6200 - Adult Education)
19. Preschool and child care and development services (Education Code 8239, 8263)
20. Physical education uniforms