

Business and Non-instructional Operations

Fees and Charges

The District shall not charge a pupil fee for participation in an educational activity, except as specifically permitted by state law. All supplies, materials, and equipment needed to participate in educational activities shall be provided to pupils free of charge. A fee waiver policy shall not make a pupil fee permissible.

The District shall not offer course credit or privileges related to educational activities in exchange for money or donations of goods or services from a pupil or a pupil's parents or guardians, and shall not remove course credit or privileges related to educational activities, or otherwise discriminate against a pupil, because the pupil or the pupil's parents or guardians did not or will not provide money or donations of goods or services to the district.

The following definitions shall apply for purposes of this policy:

(a) "Educational activity" means an activity offered by a school, school district, charter school, or county office of education that constitutes an integral fundamental part of elementary and secondary education, including, but not limited to, curricular and extracurricular activities.

(b) "Pupil fee" means a fee, deposit, or other charge imposed on pupils, or a pupil's parents or guardians, in violation of Section 49011 and Section 5 of Article IX of the California Constitution, which require educational activities to be provided free of charge to all pupils without regard to their families' ability or willingness to pay fees or request special waivers, as provided for in *Hartzell v. Connell* (1984) 35 Cal.3d 899. A pupil fee includes, but is not limited to, all of the following:

(1) A fee charged to a pupil as a condition for registering for school or classes, or as a condition for participation in a class or an extracurricular activity, regardless of whether the class or activity is elective or compulsory, or is for credit.

(2) A security deposit, or other payment, that a pupil is required to make to obtain a lock, locker, book, class apparatus, musical instrument, uniform, or other materials or equipment.

(3) A purchase that a pupil is required to make to obtain materials, supplies, equipment, or uniforms associated with an educational activity.

Complaints of non-compliance with this Board Policy shall be filed in accordance with Administrative Regulation 3260 – Fees and Charges.

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- (cf. 1321 - Solicitation of Funds from and by Students)
- (cf. 3250 - Transportation Fees)
- (cf. 3290 - Gifts, Grants and Bequests)
- (cf. 3515.4 - Recovery for Property Loss or Damage)
- (cf. 3553 - Free and Reduced Price Meals)
- (cf. 5143 - Insurance)
- (cf. 6145 - Extracurricular and Cocurricular Activities)
- (cf. 9323.2 - Actions by the Board)

Legal Reference:

EDUCATION CODE

- 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
 - 38119 Lease of personal property; caps and gowns
 - 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 Pupil Fees
 - 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
- 905 Claims for money or damages
 - 6253 Request for copy; fee

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VEHICLE CODE

21113 Public grounds (parking)

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CALIFORNIA CONSTITUTION

Article 9, Section 5 Common school system

CODE OF REGULATIONS, TITLE 5

350 Fees not permitted

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:

CDE MANAGEMENT ADVISORIES

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

WEB SITES

CDE: <http://www.cde.ca.gov>

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