



Roseville Joint Union High School District

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STUDENT FEES, DONATIONS AND FUNDRAISING GUIDELINES

OVERVIEW

This document provides general guidelines and procedures regarding permissible and impermissible student fees, charges and donations.

Under the California Constitution, the “free school guarantee” prohibits charging students any fee, charge or deposit for curricular, co-curricular, credit or non-credit activities that are part of the District’s or a school site’s education 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 outlined in this document.

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 mandatory for students and their families and no conditions are placed upon the donation.

Charges by private businesses to students for services that are not integral parts of the District’s 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).

Clear communication is critical to help families and the community understand how they can best support the programs in which their children are participating. Questions regarding student fees, charges, donations or fundraisers should be directed to the site principal or the Business Services Department at (916) 782-5096.

GENERAL RULES

RULE	AUTHORITY
The free school guarantee under the California Constitution prohibits charging students any fee, charge or deposit for curricular, co-curricular, credit or non-credit activities that are part of the District’s or a school site’s educational program.	California Constitution, Article IX, §5 Hartzell v. Connel (1984) 35 Cal. 3d 899 California Code Regs., Title 5, §350
Fees and charges are permissible where specifically provided for by the Education Code.	California Code Regs., Title 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 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’s or school site’s education 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. Connel (1984) 35 Cal. 3d 899

PERMISSIBLE STUDENT FEES AND CHARGES

RULE	AUTHORITY FOR PERMISSIBLE STUDENT FEES AND CHARGES
1. 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>
2. Charge for Damaged School Property or Failure to Return School Property on Loan to Student	<p>Education Code §48904(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</i> responsible for the damage until the pupil or the pupil’s parent or guardian has paid for the damages thereto, as provided in subdivision (a).”</p>
3. Science Camp Fees	<p>Education Code §§35335, 8760</p> <p>While the Education Code allows for this fee, it cannot be mandatory and a <i>student cannot be denied the opportunity to participate in science camp for nonpayment of the fee.</i></p>
4. 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, a <i>student cannot be denied the opportunity to participate in the field trip for failure to pay the fee.</i></p>
5. 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.</u> (1992) 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 §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 to indigent or handicapped children.</p>
6. Transportation Fees for Transporting Students to and from Their Places of Employment During the Summer in Connection with any Summer Employment Program for Youth	<p>Education Code §39837</p> <p>“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...”</p>
7. Parking Fees	<p>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 §39807.5, Vehicle Code §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.</p>
8. Insurance for Athletic Team Members	<p>Education Code §32221</p> <p>If a member of the team is financially unable to pay the cost of insurance, the District must cover the cost.</p>
9. Insurance for Medical or Hospital Service for Students Participating in Excursions and Field Trips	<p>Education Code §§35330(b)(1), 35331</p> <p>No student may be prevented from making the excursion or field trip because of lack of sufficient funds.</p>
10. Deposits for School Band Instruments, Music, Uniforms and Other Regalia that band members take with them on excursions to foreign countries	<p>Education Code §38120</p> <p>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.</p>
11. Eye Safety Devices	<p>Education Code §32033</p> <p>“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.”</p>
12. Copies of Public Records	<p>Government Code §6253</p> <p>The charge is limited to the direct costs of duplication.</p>

PERMISSIBLE STUDENT FEES AND CHARGES *(continued)*

RULE	AUTHORITY FOR PERMISSIBLE STUDENT FEES AND CHARGES
13. School Curriculum Prospectus	Education 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.”
14. Food Sold at School	Education Code §38084 This is limited by, and subject to, free and reduced price meal program eligibility and other restrictions specified in law.
15. Yearbooks	The sale of yearbooks is a fundraising activity, and possession of a yearbook is not an integral part of the educational process.
16. Physical Education Uniforms	Education Code §49066 CDE Fiscal Management Advisory 97-02 (“CDE Fiscal Authority”) 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.
17. Workbooks or Other Instructional Packets, if Such Materials Are Also Available Free of Cost Under Specific Conditions	So long as workbooks and instructional materials are provided free of cost, the District may impose a direct cost fee for the voluntary purchase of the workbook or instructional materials. The materials must be made available free of cost to students who do not wish to purchase them, and actual ownership of the materials cannot be required for success or 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).

IMPERMISSIBLE STUDENT FEES AND CHARGES

RULE	AUTHORITY FOR IMPERMISSIBLE STUDENT FEES AND CHARGES
1. 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."
2. 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."
3. 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.
4. Participation in any District or School Site Athletic or Other Co-curricular Offering Such as Band, Choir or Drama	California Constitution, Article IX, §5 Hartzell v. Connel (1984) 35 Cal. 3d 899 California Code Regs., Title 5, §350
5. Student Body Membership Fees as a Condition for Enrollment or Participation in Curricular or Co-Curricular Activities Sponsored by the School	Hartzell v. Connel (1984) 35 Cal. 3d 899 California Code Regs., Title 5, §350 CDE Fiscal Advisory
6. Admission to an Exhibit, Fair, Theater or Similar Activity for Instruction or Co-Curricular Purposes When a Visit to Such Places is Part of the District's Education Program	California Constitution, Article IX, §5 Hartzell v. Connel (1984) 35 Cal. 3d 899 California Code Regs., Title 5, §350 CDE Fiscal Advisory
7. 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	California Constitution, Article IX, §5 California Code Regs., Title 5, §350 CDE Fiscal Advisory
8. CAHSEE Intensive Instruction and Services	California Constitution, Article IX, §5 Hartzell v. Connel (1984) 35 Cal. 3d 899 California Code Regs., Title 5, §350 CDE Fiscal Advisory The exclusion of fees or charges for this purpose applies whether the District provides such instruction or services through its secondary or adult education programs.
9. Tests, Passage of which Will Result in High School Credits, Even if the Class and Coursework Preceding the Test Are Provided for Free	California Constitution, Article IX, §5 Hartzell v. Connel (1984) 35 Cal. 3d 899 California Code Regs., Title 5, §350 CDE Fiscal Advisory