

Free Public Education

The California Constitution requires that schools provide a free public education, unless a charge is specifically authorized by law.

(California Constitution, Article IX-5)
(Hartzell vs. Connel 1984)

Section 5 of Article IX of the State of California Constitution guarantees students a “free public education.” The State Supreme Court concluded in the 1984 case of Hartzell v. Connell (1984) (35 Cal. 3d 899) that “all educational activities carried on by public school districts, extra-curricular as well as curricular, must be without cost to the students who participate in such activities.” This same ruling found that “mandatory fees for participating in such extra-curricular activities as drama, music, and athletic competition” were illegal under the State Constitution. Furthermore, the Court also rejected the argument that “fees could be charged so long as the District waived fees for students who were financially unable to pay.”

Permissible Fees

California public schools may charge fees as outlined in the Education Code. These permissible fees include:

- Transportation to and from school.
- Charges for food (limited by the free and reduced price meal program).
- Insurance for field trips (so long as there is a waiver for financial hardship).
- Fees for all community/adult classes.
- Lost or damaged books or district supplies.
- Direct cost of materials for property the student has made in class for his/her own use.
- Fees for school camp programs (i.e. outdoor science camp) – A permissible fee, but can’t be mandatory.
- Actual cost of duplication of public records or student records.
- Charges for medical and accident insurance for athletic team members (so long as there is a waiver for financial hardship).

Education Code §17551

Students may be charged a fabrication 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.