

Jeff M 

CSBA Sample Board Policy

Business and Noninstructional Operations

BP 3260(a)

FEES AND CHARGES

Note: Pursuant to Education Code 49011, a district is prohibited from requiring students to pay a fee, deposit, or other charge in order to participate in an educational activity as defined in Education Code 49010. A district is also required to provide the supplies, materials, and equipment needed by students to participate in educational activities. Education Code 49011 clarifies that an otherwise impermissible fee would not be made permissible by the provision of a waiver for some students. However, pursuant to 5 CCR 350, a district is permitted, in certain circumstances, to impose fees that are specifically authorized by law. See the accompanying administrative regulation for a list of permissible fees.

The Governing Board recognizes its responsibility to ensure that books, materials, equipment, supplies, and other resources necessary for student participation in the district's educational program are made available to students at no cost.

No student shall be required to pay a fee, deposit, or other charge for participation in an educational activity which constitutes an integral fundamental part of the district's educational program, including curricular and extracurricular activities. (Education Code 49010, 49011; 5 CCR 350)

(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. When approving such fees, deposits, or charges, establishing fee schedules, or determining whether waivers or exceptions should be granted, the Board shall consider relevant data, including the socioeconomic conditions of students' families and their ability to pay.

(cf. 0410 - Nondiscrimination in District Programs and Activities)

(cf. 0415 - Equity)

(cf. 3250 - Transportation Fees)

(cf. 3553 - Free and Reduced Price Meals)

(cf. 5143 - Insurance)

(cf. 9323.2 - Actions by the Board)

Note: The following **optional** paragraph may be revised to reflect district practice. The prohibition against student fees pursuant to Education Code 49011 does not restrict districts from soliciting for voluntary donations, participating in fundraising activities, or providing prizes or other recognition for participants in such fundraising activities. However, according to the California Department of Education's (CDE) Fiscal Management Advisory 17-01, Pupil Fees, Deposits, and Other Charges, the prohibition against student fees does bar a district from requiring volunteer hours as a condition of admission, enrollment, continued enrollment, sibling preference, attendance, participation in educational activities, or receipt of credit or privileges related to educational activities.

FEES AND CHARGES (continued)

ok ✓ The prohibition against student fees shall not prevent the district from soliciting for donations, conducting fundraising activities, or providing prizes or other recognition for participants in such activities and events. The Superintendent or designee shall emphasize that participation of students, parents/guardians, district employees, volunteers, or educational or civic organizations in such activities and events is voluntary. The district shall not offer or award to a student any course credit or privileges related to educational activities in exchange for voluntary donations or participation in fundraising activities by or on behalf of the student. The district also shall not remove or threaten to remove from a student any course credit or privileges related to educational activities, or otherwise discriminate against the student, due to a lack of voluntary donations or participation in fundraising activities by or on behalf of the student.

(cf. 1321 - Solicitation of Funds from and by Students)
(cf. 3290 - Gifts, Grants and Bequests)

Note: The following paragraph is **optional** and may be revised to reflect district practice.

ok ✓ The Superintendent or designee may provide information or professional development opportunities to administrators, teachers, and other personnel regarding permissible fees.

(cf. 4131 - Staff Development)
(cf. 4231 - Staff Development)
(cf. 4331 - Staff Development)

Complaints

Note: Pursuant to Education Code 49013, a district is mandated to adopt policy and procedures which allow complaints to be filed using the uniform complaint procedures when the district is alleged to have violated the prohibition against requiring unauthorized student fees. See BP/AR 1312.3 - Uniform Complaint Procedures for language implementing this mandate.

A complaint alleging district noncompliance with the prohibition against requiring student fees, deposits, or other charges shall be filed in accordance with the district's procedures in BP/AR 1312.3 - Uniform Complaint Procedures. (Education Code 49013)

(cf. 1312.3 - Uniform Complaint Procedures)

Note: Education Code 49013 requires districts found in violation of the prohibition against student fees to design a remedy which may include reasonable efforts to identify and fully reimburse all affected individuals as specified in 5 CCR 4600. See AR 1312.3 - Uniform Complaint Procedures for additional language reflecting these requirements.

If, upon investigation, the district finds merit in the complaint, the Superintendent or designee shall recommend and the Board shall adopt an appropriate remedy to be provided to all affected students and parents/guardians in accordance with 5 CCR 4600.

FEES AND CHARGES (continued)

Information related to the prohibition against requiring students to pay fees for participation in an educational activity shall be included in the district's annual notification of uniform complaint procedures to be provided to all students, parents/guardians, employees, and other interested parties pursuant to 5 CCR 4622. (Education Code 49013)

(cf. 4112.9/4212.9/4312.9 - Employee Notifications)
(cf. 5145.6 - Parental Notifications)

Collection of Debt

Note: Education Code 49014 (the Public School Fair Debt Collection Act), as added by AB 1974 (Ch. 577, Statutes of 2018), establishes requirements for districts to follow when seeking to recover a debt owed by students and/or parents/guardians, including debts resulting from unpaid fees lawfully imposed by a district. See the accompanying administrative regulation for additional language reflecting these requirements.

The debt collection requirements of this Act do not apply to debt owed as a result of vandalism or loss of district property loaned to the student. For further information in regard to such debt, see AR 3515.4 - Recovery for Property Loss or Damage.

For information regarding meal payments, including the collection of delinquent meal charges, see BP/AR 3551 - Food Service Operations/Cafeteria Fund.

The Superintendent or designee shall, in accordance with law, recover any debt owed to the district as a result of unpaid permissible student fees approved by the Board. However, the district shall not bill a current or former student for accumulated debt, nor take negative action against a student or former student because of such debt, including, but not limited to, any of the following: (Education Code 49014)

1. Denying full credit for any class assignment
2. Denying full and equal participation in any classroom activity
3. Denying access to the library or other on-campus educational facilities
4. Denying or withholding grades or transcripts
5. Denying or withholding a diploma
6. Limiting or barring participation in an extracurricular activity, club, or sport
7. Limiting or excluding the student from participation in an educational activity, field trip, or school ceremony

Legal Reference: (see next page)

FEES AND CHARGES (continued)

Legal Reference:

EDUCATION CODE

- 8239 *Preschool and wraparound child care services*
- 8250 *Child care and development services for children with disabilities*
- 8263 *Child care eligibility*
- 8422 *21st Century High School After School Safety and Enrichment for Teens programs*
- 8482.6 *After School Education and Safety programs*
- 8760-8774 *Outdoor science, conservation, and forestry programs*
- 17453.1 *District sale or lease of Internet appliances or personal computers to parents of students*
- 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*
- 38080-38086.1 *Cafeteria establishment and use*
- 38120 *Use of school band equipment on excursions to foreign countries*
- 39801.5 *Transportation for adults*
- 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*
- 49014 *Public School Fair Debt Collection Act*
- 49065 *Charge for copies*
- 49066 *Grades, effect of physical education class apparel*
- 49091.14 *Prospectus of school curriculum*
- 49557.5 *Unpaid school meal fees*
- 51810-51815 *Community service classes*
- 52612 *Tuition for adult classes*
- 52613 *Nonimmigrant foreign nationals*
- 56504 *School records; students with disabilities*
- 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*
- 4600-4687 *Uniform complaint procedures*

UNITED STATES CODE, TITLE 8

- 1184 *Nonimmigrant students*

Legal Reference continued: (see next page)

FEES AND CHARGES (continued)

Legal Reference: (continued)

COURT DECISIONS

Arcadia Unified School District v. State Department of Education (1992) 2 Cal 4th 251

Driving School Assn of CA v. San Mateo Union HSD (1992) 11 Cal. App. 4th 1513

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 PUBLICATIONS

Pupil Fees, Deposits and Other Charges, Fiscal Management Advisory 17-01, July 28, 2017

WEB SITES

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

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