

## New Heights Charter School Pupil Fee Policy

November 2012

On September 29, 2012, Governor Brown signed AB 1575 – a bill designed to address the issue of Student Fees in California K-12 schools. AB 1575 (Education Code §49011 et seq.) did not change current law with regard to student fees, but rather serves as a mechanism for enforcement of the free school guarantee and effectively settled the ACLU school fees lawsuit referred to in Bulletin 11-041.

AB 1575 requires that local educational agency (LEA) complaint procedures be amended to include complaints alleging the imposition of unlawful student fees and that local policies implementing these procedures be established by March 1, 2013.

The New Heights School Community Handbook was amended in November 2012 to include the following (see bold below):

*Excerpt from School Community Handbook:*

### **Resolving Problems**

It is our sincere belief that the large majority of misunderstandings and problems can be resolved through discussion between the parent/guardian and the teacher and/or other appropriate school personnel. The guidelines below are designed to provide a “step-by-step” procedure for parents when they are attempting to resolve a misunderstanding or problem. **The complaint procedure includes complaints alleging the imposition of unlawful student fees.**

You should make every effort to gather accurate facts before contacting the school. It may help to have the concern described in writing. If the concern is not resolved to your satisfaction after meeting or talking with the teacher or staff member you should go to the next step detailed below:

1. Call the Executive Director of the school and ask her to establish a conference with the appropriate person at a mutually agreeable time.
2. Schedule a conference with the Executive Director.
3. If you have exhausted all possibilities at the school level, the Executive Director will advise you of the appropriate person to contact on the Board of Directors.

We are pleased that most concerns are satisfactorily resolved at step one. The other steps are provided for you as additional means of resolving your problems or concerns. Misunderstandings and problems will more likely be resolved if they are approached in a positive and courteous manner with recommendations that are realistic.

Your school staff is here to do the best job possible with your child. We can provide many educational opportunities, but it is done best when we work together as parents and teachers.

### **Title 5, California Code of Regulations, Section 350**

The provision for a free school system is in the California Constitution and, since 1874, this provision has been interpreted to mean that California school students would be educated at the public’s expense. Since

this provision is in the constitution, it applies to K-12 school districts, charter schools, and county offices of education. Title 5, California Code of Regulations, Section 350, specifically states: “A pupil enrolled in a school shall not be required to pay any fee, deposit, or other charge not specifically authorized by law.”

California Education Code (EC) and other laws allow fees to be charged for the following:

- ◆ Home-to-School Transportation (EC 39807.5)
- ◆ Transportation of pupils to places of summer employment (EC 39837)
- ◆ Food served to pupils (subject to free lunch program)(EC 38082 and 38084)
- ◆ Class materials sold to persons enrolled in adult classes (EC 52612, 52615, and 17552)
- ◆ Textbooks used for adult classes (EC 60410)
- ◆ Insurance for field trips (EC 35331)
- ◆ Lost or damaged books or other district supplies (subject to \$10,000 limit)(EC 48904)
- ◆ Adult school classes (EC 52612)
- ◆ Tuition fees for pupils whose parents are legal residents of an adjacent foreign country or an adjacent state (EC 48050, 48051, and 48502)
- ◆ Tuition from foreign students attending a district school pursuant to an F-1 visa (8 U.S.C. section 1184(m)(1))
- ◆ Material costs for items fabricated by students if the student wishes to keep the item. This is not an obligation for the student to purchase the item. An example would be charging the direct cost of materials for a wood shop project the student wishes to keep. (EC 17551)
- ◆ Fees for an optional fingerprinting program for kindergarten or other newly enrolled students (EC 32390)
- ◆ Community classes in civic, vocational, literacy, health, homemaking, and technical and general education at cost (EC 51810 and 51815)
- ◆ Several statutory child care programs under certain conditions (EC 8263(f), 8250(d), 8265, 8487, 8488(b))
- ◆ Actual cost of duplication of public record or student records (EC 49091.14)
- ◆ Medical and accident insurance for athletic team members, so long as there is a waiver for financial hardship
- ◆ Field trips and excursions, however no pupil shall be prevented from attending for lack of sufficient funds (EC 35330)
- ◆ Outdoor science camp programs, but no pupil shall be denied the opportunity to participate because of nonpayment (EC 35335)
- ◆ Optional attendance as a spectator at a school or district sponsored activity or for “purely recreational” activities (*Hartzell*, 35 Cal.3d 899, 911, fn. 14)
- ◆ Standardized physical education (PE) 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 may be impacted based on the failure to wear standardized apparel “arising from circumstances beyond the control” of the student. Schools may not mandate that students purchase the school logo PE clothes but can require a certain color scheme or style. (EC 49066)
- ◆ Charges for the parking of vehicles on school grounds (Vehicle Code Section 21113)
- ◆ Charges for the rental or lease of personal property needed for District purposes, such as caps and gown for graduation ceremonies (EC 38119)
- ◆ Deposits for band instruments, music, uniforms and other regalia ***which school band members take on excursions to foreign countries*** (EC 38120)
- ◆ Eye safety devices at cost when students are engaged in or observing an activity likely to cause eye injury (EC 32033)

One other item of note is that EC 38118 states “Writing and drawing paper, pens, inks, blackboards, blackboard erasers, crayons, lead pencils, and other necessary supplies for the use of the school, shall be furnished under direction of the governing boards of school districts.” While this statute does require

districts and charter schools to furnish students with necessary school supplies, it does not prevent districts from asking for donations of these items.

Soliciting donations and fundraising activities are still perfectly acceptable ways to provide funding and supplies for school operations as long as there is no implicit or explicit requirement attached. In other words, students' access to educational programs, including extracurricular programs, must not be tied to their willingness or ability to pay a fee, make a donation, or raise funds. However, students can be required to participate in fundraising events, such as a bake sale at Back to School Night or a car wash.