

STUDENT FEES

The District shall not charge a student/pupil fee for participation in an educational activity, except as specifically permitted by state law.

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 Education Code §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.

All supplies, materials, and equipment needed to participate in educational activities shall be provided to students free of charge.

This policy should not be interpreted to prohibit solicitation of voluntary donations of funds or property, voluntary participation in fundraising activities, or schools providing student prizes or other recognition for voluntary participation in fundraising activities.

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 student or a student's parents or guardians, and shall not remove course credit or privileges related to educational activities, or otherwise discriminate against a student, because the student or the student's parents or guardians did not or will not provide money or donations of goods or services to the District. A fee waiver policy shall not make a student/pupil fee permissible.

PERMISSIBLE FEES

Students/pupils may be charged for the following, as permitted by California Education Code:

- 1.1 Charges for optional attendance as a spectator at a school or District sponsored activity (Hartzell, 35 Cal. 3d 899, 911, fn. 14).
- 1.2 Charges for food served to students, subject to free and reduced price meal program eligibility and other restrictions specified in law (Education Codes §38082 and §38084).
- 1.3 Paying the replacement cost for District books or supplies loaned to a student that the student fails to return, or that is willfully cut, defaced or otherwise injured, up to an amount not to exceed \$10,000 (Education Codes §19910, §19911, and §48904).
- 1.4 Charges for required medical and accident insurance for athletic team members, so long as there is a waiver for financial hardship (Education Code §32221).
- 1.5 Charges for the rental or lease of personal property needed for District purposes, such as caps and gowns for graduation ceremonies (Education Code §38119).
- 1.6 Fees for academic school camp programs, so long as no student is denied the opportunity to participate because of nonpayment of the fee (Education Code §35335).
- 1.7 Reimbursement for the direct cost of materials provided to a student for property the student has fabricated from such materials for his/her own possession and use, such as wood shop, art, or sewing projects kept by the student (Education Code §17551).
- 1.8 Reimbursement for the actual cost of duplicating public records, student records, or a prospectus of the school curriculum (Government Code §6253; Education Code §49091.14).
- 1.9 Fees for transportation to and from school, and transportation between school and regional occupational centers, programs or classes, as long as the fee does not exceed the statewide average nonsubsidized cost per student and provided there is a waiver provision based on financial need (Education Code §39807.5) (See Board Policy 3260).
- 1.10 Fees for transportation of pupils to places of summer employment (Education Code §39837).
- 1.11 Tuition fees charged to pupils whose parents are actual and legal residents of an adjacent foreign country or an adjacent state (Education Codes §48050, §48051, and §48052).

STUDENT FEES (continued)**BP 3260(c)**

- 1.12 Tuition fees collected from foreign students attending a District school pursuant to an F-1 visa, equal to the full unsubsidized per capita cost of providing education during the period of attendance (8 U.S.C. §1184(m)(1)).
- 1.13 Fees for an optional fingerprinting program for kindergarten or other newly enrolled students, if the fee does not exceed the actual costs associated with the program (Education Code §32390).
- 1.14 Fees for community classes in civic, vocational, literacy, health, homemaking, and technical and general education, not to exceed the cost of maintaining the community classes (Education Codes §51810 and §51815).
- 1.15 Deposits for band instruments, music, uniforms and other regalia which school band members take on excursions to foreign countries (Education Code §38120).
- 1.16 Charges for eye safety devices, for a student to keep, so long as the school provides them free of charge for use in specified courses or activities in which students are engaged in, or are observing, an activity or the use of hazardous substances likely to cause injury to the eyes (Education Code §32033).
- 1.17 Fees and expenses for field trips and excursions in connection with courses of instruction or school related social, educational, cultural, athletic, or school band activities, as long as no student is prevented from making the field trip or excursion because of lack of sufficient funds (Education Code §35330(b)).
- 1.18 Medical or hospital insurance for field trips that is made available by the school District (Education Code §35331).
- 1.19 Charges for standardized physical education 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 of a student may be impacted based on the failure to wear standardized apparel “arising from circumstances beyond the control” of the student (Education Code §49066).
- 1.20 Charging for the parking of vehicles on school grounds (Vehicle Code §21113).
- 1.21 Charges for adult education books, materials, and classes as specified in law (Education Codes §52612 and §60410).
- 1.22 Charges for child care and development services (Education Code §8263).

Complaints of non-compliance with this Board Policy shall be filed in accordance with Administrative Regulation 3.32: Student Fees and Board Policy 1312.3: Uniform Complaint Procedures. Complaints regarding student fees shall be filed not later than one year from the date the alleged violation occurred.

STUDENT FEES (continued)

BP 3260(d)

Legal Reference:

EDUCATION CODE

49010-49013 Pupil Fees

Management References:

California Constitution, Article 9, Section 5

Title 5 California Code of Regulations, Section 350

Policy

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CAPISTRANO UNIFIED SCHOOL DISTRICT

San Juan Capistrano, California