



RIALTO UNIFIED SCHOOL DISTRICT

Guideline for Student Fees, Fundraising and Donations

This document is provided as a guide for parents and District staff to ensure legal compliance while providing support. The District wishes to emphasize that the question is not whether schools and their communities can raise money to support programs but how funds can be raised through lawful means.

The California Constitution mandates that public education be provided to students free of charge, unless a charge is specifically authorized by law for a particular program or activity.

This constitutional right of free access encompasses all educational activities, whether curricular or extracurricular, and regardless of whether credit is awarded for the educational activity.

The right of free access also prohibits mandated purchases of materials, supplies, equipment or uniforms associated with the activity, as well as the payment of security deposits for access, participation, materials or equipment. A waiver process for an otherwise mandatory fee, charge or deposit does not render it constitutionally permissible.

Allowed Fees/ Charges/ Deposits

The legislature has passed a number of laws authorizing specific fees. Schools may, but are not required to, charge the following fees:

Materials and Equipment

- Reimbursement for the direct cost of materials provided to a pupil for property the pupil has fabricated from such materials to take home for his/her own possession and use, such as wood shop, art, or sewing projects kept by the pupil. (Ed. Code, § 17551.)
- Charges for safety glasses, for a pupil to keep, so long as the school provides them free of charge for use in specified courses or activities involving the use of hazardous substances likely to cause injury to the eyes. (Ed. Code, §§ 32030-32033.)
- Fees for sale or lease of Internet appliances or personal computers to parents for the purpose of providing access to the school district's educational computer network, at no more than cost, so long as the district provides network access for families who cannot afford it. An Internet appliance is a technological product that

allows a person to connect to, or access, an online educational network. The internet appliances and personal computers referred to in this section are deemed supplemental and not an essential part of the school district's educational program. (Ed. Code, § 17453.1.)

Lost or Damaged Property

- Payment for the replacement cost for district books, supplies or property loaned to a pupil that the pupil fails to return, or that are willfully cut, defaced or otherwise injured, up to an amount not to exceed \$10,000, adjusted annually for inflation.

(Ed. Code, §§ 19911 and 48904.) Based on rules of construction, it appears that the word "willfully" modifies each of the phrases -- "cuts, defaces, or otherwise injures" -- that follows. Therefore, school districts should analyze, on a case-by-case basis, whether property has been willfully damaged. A blanket policy that charges fees for any damage to property would appear to be inconsistent with the statute.

Field Trips

- Fees for field trips and excursions in connection with courses of instruction or school-related social, educational, cultural, athletic, or school band activities so long as no pupil is prevented from making the field trip or excursion because of lack of sufficient funds. (Ed. Code, § 35330(b).)
- Medical or hospital insurance for field trips that is made available by the school district. (Ed. Code, § 35331(b)(2).)
- Deposits for school band instruments, music, uniforms, and other regalia for use on an excursion to a foreign country. (Ed. Code, § 38120.)

Community Service Classes

- 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. (Ed. Code, §§ 51810 and 51815.) These include classes such as dance, music, theatre, visual arts, handicraft, science, literature, nature study, nature contacting, aquatic sports and athletics. (Ed. Code, § 51810.) These classes are primarily intended for adults and are open only to those minors whom the governing board believes will profit from such classes. (Ed. Code, § 51811.)
- Fees for adults for any classes except (1) classes in English and citizenship or elementary subjects and (2) classes for which high school credit is granted when taken by a person not holding a high school diploma. (Ed. Code, § 52612(a).) Nonimmigrant foreign nationals enrolled in a class in English and citizenship or an elementary subject shall be charged a fee. (Ed. Code, § 52613(a).)

- Fees for materials and textbooks or a refundable deposit on loaned books, in classes for adults. (Ed. Code, §§ 52612(b), 52615, and 60410.)
- Fees (at not less than cost) for adult class materials, including those necessary for the making of articles that shall become the property of the student who made it. (Ed. Code, §§ 52612, 52615, and 17552.)

Athletic Team Insurance

- Charges for required medical and accident insurance for athletic team members that are not paid by school district or student body funds, so long as there is a waiver for financial hardship. (Ed. Code, §§ 32220-32224.)

Tuition

- Tuition fees charged to pupils whose parents are actual and legal residents of an adjacent foreign country or an adjacent state. The pupils may be admitted to a school but shall be required to reimburse the district for the cost of educating the pupil. (Ed. Code, §§ 48050 and 48052.)
- Tuition fees may be 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).)

School Camp Programs

- Fees for outdoor science school camp programs, so long as no pupil is denied the opportunity to participate because of non-payment of the fee. (Ed. Code, § 35335.)

Fingerprinting

- Fees for an optional fingerprint program for children in kindergarten or other newly enrolled children if the fee does not exceed the actual costs associated with the program. (Ed. Code, § 32390.)

Duplication of Records

- Fees for the actual cost of duplicating public records, pupil records, or a prospectus of the school curriculum. (Gov. Code, § 6253(b); Ed. Code §§ 49063(h) and 49091.14.) However, no charge shall be made for furnishing up to two transcripts of former pupils' records or up to two verifications of various records of former pupils. (Ed. Code § 49065.) Finally, if the cost would effectively prevent the parent of a special education pupil from exercising the right to receive copies of pupil records, the copies shall be reproduced at no cost. (Ed.

Code, § 56504.)

Specialized Examinations

- Fees for Advanced Placement and International Baccalaureate Diploma examinations for college credit, so long as (1) taking the exam is not a course requirement and (2) the exam results have no impact on a pupil's grade or credit in a course. An LEA may fund all or part of the cost of the AP test fee for an economically disadvantaged pupil or the IB test fee for a pupil in need of financial assistance. (Ed. Code, §§ 52242; 52922.)

Fees, charges or deposits not listed above are therefore rendered prohibited as they have not been explicitly approved by California statute.

Fundraisers

School districts, schools, programs and classes can and do engage in fundraising activities and programs, and this practice is also permissible as long as the raising of funds is voluntary. A student who is asked to but does not raise funds may not be denied participation in an educational activity. A requirement to raise funds in order to participate, even if there is no mandated amount to be raised, is the same as requiring a fee. Educational activities include curricular and extra-curricular activities such as field trips, camps, tournaments, study skills classes, officials, etc.

A student can be required to participate in a fundraising activity, in the same way attendance at practices, games, rehearsals or performances are an expected aspect of participation, but they cannot be required to raise an expected amount of money. For example, members of the softball team can be expected to help out with a fundraising sale at a Back to School Night to help pay for the team uniforms, but the school cannot expect the individual players to raise enough money for their own uniform as a condition of participation in the activity or program.

Donations

School districts, schools, programs and classes may seek and accept donations of funds and property. This practice is permissible as long as it is truly voluntary and in no way a prerequisite to participation in the program or activity. The Supreme Court in *Hartzell v. Connell* stated that "educational opportunities must be provided to all students without regard to their families' ability or willingness to pay fees or request special waivers."

If a donation of a certain amount is expected in order to participate in an activity, then it is not a donation but a fee. Any statement or explanation related to a donation that could lead a reasonable person to believe the donation may not be truly voluntary is to be avoided. A school, program or class may request donation for the support of the group but not for individual support.

Examples include but are not limited to a specified minimum amount of a donation, a date by which a donation is due, a lesser donation amount if funds are received prior to a certain date. Additionally, any statements or actions that exert explicit or implicit pressure on students or parents to make a donation are to be avoided, and the reason a student or family does not make a donation is not a subject for inquiry – as the *Hartzell* court said, access to educational programs must not be tied to the *willingness* to pay a fee or request a waiver, not only the *ability* to pay a fee or request a waiver.

May you have any question please contact the Business Services office.