

FEES AUTHORIZED BY LAW

The Education Code specifically authorizes certain fees. Except for home to school transportation fees, none of those Code sections have been challenged and the Hartzell v. Connell decision did not directly rule on their legality. Therefore, districts may continue to levy fees as authorized in the following Education Code sections:

- A. Fees that a district may collect for furnishing materials to a pupil for items the pupil has fabricated from such materials for his or her own use. Such fees may not exceed cost. (Education Code section 17551)
- B. Fees that a district may charge pupils for transportation to and from school under limited circumstances. (Education Code sections 39807.5 and 39837)
- C. Charges for food served to pupils. (Education Code section 38082, et seq.)
- D. Charges to the parent or guardian of any pupil who loses a book, defaces books or other school property. Liability limits for lost items or damage are adjusted annually by the State Superintendent of Public Instruction pursuant to statute. (Education Code section 48904)
- E. Charges for field trips or excursions, principally for transportation. The authority to charge a fee for field trips or excursions is not directly stated in the Education Code. Rather, it provides that “No pupil shall be prevented from making the field trip or excursion because of lack of sufficient funds.” (Education Code section 35330)
- F. Districts must make medical, hospital, or accident insurance available to pupils who may be injured while participating in field trips. The cost of the insurance may be paid by the pupil or his parents. (Education Code section 35331)
- G. Governing boards may expend from the general fund of the district any money which is budgeted for community services to establish and maintain community service classes. They may charge student fees not to exceed the cost of maintaining such classes. (Education Code section 51815)
- H. A governing board may charge a tuition fee to adults for any class except classes in English and citizenship for foreigners, classes in elementary subjects, and classes for which high school credit is granted when taken by a person not holding a high school diploma. (Education Code section 52612)

- I. Districts must provide, and each member of an athletic team must have, accidental death, injury and medical insurance coverage. The cost of such insurance may be paid by the pupil unless the pupil is unable to pay for such insurance. (Education Code sections 32220-32224)
- J. A school district may require a deposit from a borrower of school band instruments, music, uniforms, and other regalia for use on an excursion to a foreign country. (Education Code section 38120)
- K. Pupils whose parents are actual and legal residents of an adjacent foreign country or an adjacent state shall be charged a tuition fee. (Education Code sections 48050 and 48052)
- L. The regulations of the governing board may provide for the sale of materials purchased from the incidental expense account to pupils in classes for adults, for use in connection with such classes. The proceeds of all such sales shall be deposited in that account (Education Code section 52615). A high school district board may charge for textbooks used in classes for adults or impose a refundable deposit on loaned books. (Education Code section 60410)
- M. The governing board of a school district may sell class material to persons enrolled in classes for adults. This may include materials necessary for the making of articles by students enrolled in adult education. The materials shall be sold at not less than the cost to the district; any article made shall be the property of the person who made it. (Education Code section 17552)
- N. The governing board of any elementary, high, or unified school district may charge a fee for school camp programs, provided that payment of such fee is not mandatory. No pupil shall be denied the opportunity to participate in a school camp program because of non-payment of the fee. (Education Code section 35335)
- O. Families utilizing child care and development services shall be charged a fee by the school district, but no fees shall be assessed against families whose children are enrolled in the state preschool program, or for such services provided to severely handicapped children (Education Code sections 8263(h)(1) and 8250(d)). Standards for fees appear in Education Code section 8265. The school district may also impose a fee for a program of supervision of children before and after school. (Education Code sections 8487 and 8488)
- P. School districts may offer a fingerprint program for children in kindergarten or newly enrolled children and shall assess a fee to the parent or guardian who chooses to participate. (Education Code section 32390)

- Q. Charges for standardized physical education apparel, except that no physical education grade of a student may be adversely affected due to the fact the student does not wear standardized physical education apparel where the failure to wear such apparel arises from circumstances beyond the control of the student. (Education Code section 49066)
- R. Fees for the parking of vehicles on school grounds. (Vehicle Code section 21113)
- S. Charges for the actual cost of duplicating public records, student records, or a prospectus of the school curriculum. (Government Code section 6253; Education Code sections 49063 and 49091.14)
- T. Tuition fees collected from foreign students attending a district school under an F-1 Visa, equal to the full unsubsidized per capita cost of providing education during the period of attendance. (8 U.S.C. Section 1184(m)(1))
- U. Charges for eye protective devices, at a price that shall not exceed the actual cost to the district, when the devices must be worn in courses in which students are engaged in, or observing, an activity or the use of hazardous substances likely to cause injury to the eyes. (Education Code section 32033)