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### QUESTIONS AND ANSWERS REGARDING PERMISSIBLE STUDENTS FEES AND DONATIONS

**1. May a school accept donations from parents and guardians?**

Yes. Schools may accept donations of funds and property so long as the donation is truly voluntary and is not a requirement for participation in a program or activity. Any statement or explanation related to the donation that could lead a reasonable person to believe that the donation may not be truly voluntary should be avoided. The opportunity to participate in educational programs, including extracurricular activities, must not be linked to either the willingness or the ability of the student or the student's family to pay a fee or request a fee waiver.

**2. May a school solicit donations or engage in fundraising activities?**

Schools may engage in fundraising activities and programs as long as the raising of funds is voluntary. Schools may require students to attend a fundraising event, but if the students are unable to raise funds for the event the students cannot be prevented from participating in an educational activity. Students may be expected to attend a fundraising concert, for example, if they are in the choir that is on the calendar of events so long as attendance is the only requirement. Members of an athletic team, for example, may be expected to help out with a fundraising sale at a back-to-school night or open house just as a coach might expect players to attend practices and games. However, the students cannot be required to raise money as a condition of participation in the school activity or program.

**3. May a school charge fees for uniforms for team sports?**

No. A school must provide a free uniform to any student who is a member of the school team. The free uniform must be substantially the same as those that are made available for purchase. Schools may allow students to purchase their own uniforms if they want to purchase uniforms. However, the purchase of a uniform cannot be a requirement to participate in a sport.

**4. May a school only charge fees to those students who can afford them and have a waiver process for students who cannot?**

No. A waiver process based on financial need or inability to pay cannot be used to make an otherwise impermissible fee permissible.

**5. Are there permissible fees that schools may charge to students?**

There are specific fees, charges and deposits that are legally authorized by law. These specific fees, charges and deposits are:

- Charges for optional attendance as a spectator at a school or District sponsored activity.<sup>1</sup>
- Charges for food served to students, subject to free and reduced price meal program eligibility and other restrictions specified in law.<sup>2</sup>
- 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.<sup>3</sup>
- Fees 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.<sup>4</sup>
- Medical or hospital insurance for field trips that is made available by the school district.<sup>5</sup>
- Charges for required medical and accident insurance for athletic team members, so long as there is a waiver for financial hardship.<sup>6</sup>
- 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.<sup>7</sup>
- Charges for the parking of vehicles on school grounds.<sup>8</sup>
- Charges for the rental or lease of personal property needed for District purposes, such as caps and gowns for graduation ceremonies.<sup>9</sup>
- Fees for school camp programs, so long as no student is denied the opportunity to participate because of nonpayment of the fee.<sup>10</sup>

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<sup>1</sup> 35 Cal.3d 899, 911, n.14 (1984).

<sup>2</sup> Education Code sections 38082 and 38084.

<sup>3</sup> Education Code section 48904.

<sup>4</sup> Education Code section 35330.

<sup>5</sup> Education Code section 35331.

<sup>6</sup> Education Code section 32221.

<sup>7</sup> Education Code section 49066(c)

<sup>8</sup> Vehicle Code section 2113.

<sup>9</sup> Education Code section 38119.

<sup>10</sup> Education Code section 35335.

- 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.<sup>11</sup>
- Reimbursement for the actual cost of duplicating public records, student records, or a prospectus of the school curriculum.<sup>12</sup>
- 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 unsubsidized cost per student and provided there is a waiver provision based on financial need.<sup>13</sup>
- Fees for transportation of pupils to places of summer employment.<sup>14</sup>
- Tuition fees charged to pupils whose parents are actual and legal residents of an adjacent foreign country or an adjacent state.<sup>15</sup>
- 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.<sup>16</sup>
- 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.<sup>17</sup>
- 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.<sup>18</sup>
- Deposits for band instruments, music, uniforms and other regalia which school band members take on excursions to foreign countries.<sup>19</sup>
- Charges for eye safety devices, at a price not to exceed the district's actual costs, 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.<sup>20</sup>

**6. May students be required to pay dues for student clubs that are part of national organizations?**

Students may not be required to pay dues as a condition of membership in a student club at the school level. If the school club is part of a national organization that collects dues, the students should be advised to pay the national organization dues directly to the organization. However, membership in the national level club or organization cannot be a requirement for membership in the school club.

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<sup>11</sup> Education Code section 17551.

<sup>12</sup> Government Code section 6253; Education Code section 49091.14.

<sup>13</sup> Education Code section 39807.5.

<sup>14</sup> Education Code section 39837.

<sup>15</sup> Education Code section 48050-52.

<sup>16</sup> 8 U.S.C. Section 1184 (m)(1).

<sup>17</sup> Education Code section 32390.

<sup>18</sup> Education Code sections 51810 and 51815.

<sup>19</sup> Education Code section 38120.

<sup>20</sup> Education Code section 32033.

**7. May students be charged for fees for extra materials for creations that students take home and keep in art classes and other similar classes?**

Students may be charged for materials that they take home. However, students should be allowed to make things they do not take home if they do not want to pay for extra materials. Students who decide not to take things home will not have to pay a fee but the materials may be thrown away or reused by the school.

**8. May a school district charge fees for field trips?**

Yes. Pursuant to Education Code section 35330 the governing board of a school district may charge a fee for a field trip. However, no pupil shall be prevented from making the field trip or excursion because of lack of sufficient funds. School districts shall coordinate efforts of community service groups to supply funds for pupils in need.

**9. May a school district or county office of education charge a fee for school camp programs?**

Yes. Pursuant to Education Code section 35335, the governing board of a school district or a county office of education may charge a fee for school camp programs, provided that the payment of such fee is not mandatory and no pupil is denied the opportunity to participate in the school camp program because of non-payment of the fee. The amount of the fee may not exceed the difference between any state, local or federal funds generated by such a program and the cost of the services actually provided. A camp program is defined in Education Code section 8760 as including programs and classes in outdoor science education and conservation education.