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SWEETWATER UNION HIGH SCHOOL DISTRICT

LEGAL SERVICES DIVISION

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MEMORANDUM

TO: District Employees

FROM: Legal Services Division

DATE: August 30, 2018

SUBJECT: Student Fees

The California Constitution guarantees all K-12 students a publicly funded education. In 2010, the ACLU sued California claiming that school districts throughout the state were illegally charging students for a range of items (textbooks, workbooks, lab fees, etc.), which was discriminatory to lower-income students. As a result, a settlement was entered into whereby the State of California agreed to ensure that school districts do not require students to pay any fee, deposit, or other charge not specifically authorized by law.

Pursuant to Education Code 49010, we are prohibited from requiring students to pay student fees as a condition for participation in an educational activity, including extracurricular activities. The District is required to provide supplies, materials, and equipment needed by students to participate in these educational activities. Prohibited fees include *any fee* charged to a pupil as a condition for participation, regardless of whether the class or activity is elective, compulsory, or for credit. ***These prohibited fees include charging students for:***

- 1) Books used in class
- 2) Science lab equipment or supplies
- 3) PE uniforms or locks required to take the class (or which are so difficult to obtain that it defaults to requiring parents to buy them from school)
- 4) Photography or art class supplies
- 5) Participating in sports teams and being provided required uniforms and equipment
 - a. The District interprets this stipulation to include providing all student-athletes with National Federation of High School required uniforms and equipment.
 - b. Fundraising and giving donations ***shall not*** be requirements to participate on ***any*** school-affiliated sports team.
 - c. Students ***shall not*** be required to purchase spirit packs or booster packs.
- 6) Participating in dance, band, choir and other Visual and Performing Arts classes, programs and clubs
 - a. Students ***shall not*** be charged fees for program expenses, including, but not limited to, salaries, services, instruction, instruments, equipment, costumes and uniforms.

"Putting Students First"

- 7) Attending summer school
- 8) Attending graduation ceremonies

Field Trip Fees

Although field trip fees have been authorized under Education Code Section 35330(b) as permissible fees, they are not required. Fees for field trips and excursions in connection with courses of instruction or school-related social, educational, cultural, athletic, or school band activities can be authorized as long as ***no student is denied the opportunity to participate due to a lack of sufficient funds***. It is important to conduct fundraisers for the entire group – as opposed to creating line items of money raised by/for/on behalf of specific participants. Education Code recommends to coordinate efforts of community service groups to supply funds for pupils in need.

Voluntary Fundraising

Although California schools are free for all students, the prohibition against student fees shall not restrict the District from soliciting for donations, participating in fundraising activities, or providing prizes or other recognition for participants in such activities and events under explicit circumstances. Fundraising activities are permitted as long as the District emphasizes that ***participation is voluntary***, and that a student does not gain privileges, or is discriminated against.

School-Connected Organizations (Booster Clubs)

Per Education Code 49011, “No student shall be required to participate in fundraising in order to participate in a school sponsored activity or program sponsored by a school-connected organization (including booster organizations).” Prior to any fundraiser, the team or club needs to provide voluntary donation forms to all parents. Further, fundraising that involves any students in the selling, marketing, or collecting ***must*** have the funds deposited into the school’s ASB trust account. Money generated by school-connected organizations ***must*** be the result of activities planned, operated, and run by the parents/community; no student labor is permitted for these fundraising activities. Further, any money received by a school, from donations, school-connected organizations or other fundraising activities, must be used to supplement (not supplant) school programs and must be considered for its impact on site Title IX compliance requirements.

All school sites and departments shall comply with the prohibition against requiring student fees. Sweetwater Union High School District is committed to providing all students with a free and exceptional education, in which each student has equal opportunities to achieve at every level.

If you have any questions about fees, fundraising or any related issues feel free to contact the Compliance Office or Legal Services.