

Tustin Unified School District Educational Services

January 24, 2011



A review of guidelines, policies, and
procedures for student fees,
donations and fundraising



Welcome and Purpose



- The subject of student fees, charges, deposits, donations, and fundraising related to courses and activities has been at the forefront of public attention locally and nationally.
- The purpose of this presentation is to review our district's guidelines, policies, and procedures for student fees, donations, and fundraising.

Free Public Education



- California Constitution requires that we provide a free public education, unless a charge is specifically authorized by law.
- Since 1874, the California Supreme Court has interpreted “free school system” to mean that students are entitled to be educated at the public’s expense.

Non-Permissible Fees:



- California public schools—including charter schools—cannot charge fees in order for students to participate in any required or elective class.
- This includes: **security deposits** (e.g., locks, lockers, uniforms, instruments), **participation fees** (e.g., curricular, co-curricular, extra-curricular), **supplies** (both necessary and supplemental).

Non-Permissible Fees:



- California public schools—including charter schools—cannot charge fees for gym or physical education clothes.

Education Code 49066: “No grade of a pupil participating in a physical education class may be adversely affected due to the fact that the pupil does not wear standardized physical education apparel where the failure to wear such apparel arises from circumstances beyond the control of the pupil,” such as lack of sufficient funds.

Permissible Fees:



- California public schools—including charter schools—may charge fees as outlined in the Education Code. These include:
 - Transportation to and from school
 - Transportation to places of summer employment
 - Charges for food (limited by the free and reduced price meal program)
 - Insurance for field trips
 - Lost or damaged books or district supplies
 - Direct cost of materials for property the student has made in class for their own use

Permissible Fees:



- California public schools—including charter schools—may charge fees as outlined in the Education Code. These include:
 - Fees for school camp programs (e.g., outdoor science camp)
 - Fees for field trips and excursions in connection with courses of instruction or school-related social, education, cultural, athletic, or school band activities
 - Optional fingerprinting program for kindergarten or newly enrolled students
 - Actual cost of duplication of public records or student records
 - Charges for medical and accident insurance for athletic team members

FAQs (Frequently Asked Questions)



- Question 1: May a school still accept donations from parents and guardians?
 - Response: **Yes.** School districts, schools, programs, and classes may accept donations of funds and property, and this practice is permissible as long as the donation is truly voluntary and in no way a requirement for participation in the program or activity. Donations cannot be made for a specific student; instead, they are made to a school or program. The opportunity to participate in educational or extra-curricular activities, must not be linked to either the willingness or ability of the student or the student's family to pay a fee or request a waiver.

FAQs (Frequently Asked Questions)



- **Question 2: May a school still solicit donations or engage in fundraising activities?**
 - **Response: Yes.** School districts, schools, programs, and classes 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; however, if a student is unable to raise funds for the event, the student may not be prevented from participating in the educational activity. Also, attendance at a fundraiser can be required if it is a team or club event. Members of an athletic team, for example, may be expected to help at a fundraising event at a Back to School Night, just as a player might be expected to attend a practice or game. Penalties for non-attendance would be similar to those imposed for failure to attend any other team or club event (e.g., sitting out a game, etc).

FAQs (Frequently Asked Questions)



- Question 3: May a school charge fees for uniforms for team sports?
 - Response: **No.** A school must provide a free uniform to any student who is a member of the school team in question. You can allow student to purchase their own uniforms if they want to purchase uniforms; however, buying a uniform cannot be a requirement to participate in a sport.

FAQs (Frequently Asked Questions)



- Question 4: May a school require team members to purchase Spirit Packs?
 - Response: **No.** Spirit packs may be sold; however, a school cannot require a student to purchase a spirit pack as a prerequisite to participate in a sport. If there are practice uniforms, etc., which are required, they must be provided free of charge to any student who is a member of the school team in question.

FAQs (Frequently Asked Questions)



- Question 5: What if a school only charges fees to those students who can afford them; and has a waiver process for those who can't?
 - Response: **No.** A waiver process based on financial need or inability to pay does not make an otherwise non-permissible fee permissible.

FAQs (Frequently Asked Questions)



- Question 6: May students be required to pay dues for student clubs that are part of national organizations?
 - Response: **No.** 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.

FAQs (Frequently Asked Questions)



- Question 7: May students be charged fees for materials that students take home and keep from courses such as art, home economics, photography, etc.?
 - Response: **Yes.** Students may be charged for materials that they do take home. However, students should be allowed to make things they do not take home, if they do not want to pay for the 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.

FAQs (Frequently Asked Questions)



- Question 8: May a school district charge fees for field trips?
 - Response: **Yes.** According to Education Code, 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.

FAQs (Frequently Asked Questions)



- Question 9: May a school district charge a fee for school camp programs?
 - Response: **Yes.** According to Education Code, a school district may charge a fee for a school camp program, provided that the payment of such fee is not mandatory and no pupil is prevented from participation because of lack of sufficient funds. The fee may not exceed the actual cost of the services provided. A camp program is defined in Education Code as including programs and classes in the outdoor science education program. School districts shall coordinate efforts of community service groups to supply funds for pupils in need.

Steps We Are Taking



- TUSD is providing faculty, staff, parents, guardians, students, and administrators with guidance and essential resources with the twin goals of school-community cooperation to support programs and legal compliance while providing that support.
 - Hosting meetings/presentations with faculty, staff, parents, guardians, sports teams, school foundation representatives
 - Providing faculty and staff with course syllabus and school supplies language
 - Key Information and Frequently Asked Questions will be posted on the District website for district staff and parent community.



Questions

And

Answers