



## PERMISSIBLE SCHOOL FEES, FUNDRAISING AND DONATIONS

*Section 5 of Article IX of the State of California Constitution guarantees students a “free public education.” The State Supreme Court concluded in the 1984 case of Hartzell v. Connell (35 Cal.3d.899 (1984)), “that all educational activities carried on by public school districts, extra-curricular as well as curricular, must be without cost to the students who participate in such activities.” This same ruling found that “mandatory fees for participating in such extra-curricular activities as drama, music, and athletic competition were illegal under the State Constitution.”*

The following are specific exceptions to the prohibition on fees, charges and deposits at the kindergarten through 12<sup>th</sup> grade level. These fees, charges and deposits are legally permissible because they are specifically permitted by law.

- 1) Charges for optional attendance as a spectator at a school or District sponsored activity.<sup>1</sup>
- 2) Charges for food served to students, subject to free and reduced price meal program eligibility and other restrictions specified in law.<sup>2</sup>
- 3) 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>
- 4) Fees for field trip 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>
- 5) Medical or hospital insurance for field trips that is made available by the school district.<sup>5</sup>
- 6) Charges for required medical and accident insurance for athletic team members, so long as there is a waiver for financial hardship.<sup>6</sup>
- 7) 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>
- 8) Charging for the parking of vehicles on school grounds.<sup>8</sup>
- 9) Charges for the rental or lease of personal property needed for District purposes, such as caps and gowns for graduation ceremonies.<sup>9</sup>
- 10) 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>

- 11) 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>
- 12) Reimbursement for the actual cost of duplicating public records, student records, or a prospectus of the school curriculum.<sup>12</sup>
- 13) 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 nonsubsidized cost per student provided there is a waiver provision based on financial need and so long as exemptions are made for indigent and disabled students.<sup>13</sup>
- 14) Fees for transportation of pupils to places of summer employment.<sup>14</sup>
- 15) Tuition fees charged to pupils whose parents are actual and legal residents of an adjacent foreign country or an adjacent state.<sup>15</sup>
- 16) 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>
- 17) 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>
- 18) 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>
- 19) Deposits for band instruments, music, uniforms and other regalia which school band members take on excursions to foreign countries.<sup>19</sup>
- 20) 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>

<sup>1</sup> 35 Cal.3d 899, 911, n.14 (1984)  
<sup>2</sup> Education Code § 38082 and 38084  
<sup>3</sup> Education Code § 48904  
<sup>4</sup> Education Code § 35330  
<sup>5</sup> Education Code § 35331  
<sup>6</sup> Education Code § 32221  
<sup>7</sup> Education Code § 49066(c)  
<sup>8</sup> Vehicle Code § 2113  
<sup>9</sup> Education Code § 38119  
<sup>10</sup> Education Code § 35335

<sup>11</sup> Education Code § 17551  
<sup>12</sup> Government Code §6253; Education Code § 49091.14  
<sup>13</sup> Education Code § 39807.5  
<sup>14</sup> Education Code § 39837  
<sup>15</sup> Education Code § 48050-52  
<sup>16</sup> 8 U.S.C. § 1184(m)(l)  
<sup>17</sup> Education Code § 32390  
<sup>18</sup> Education Code § 51810 and 51815  
<sup>19</sup> Education Code § 38120  
<sup>20</sup> Education Code § 32033