



El Monte Union High School District

GUIDELINES FOR STUDENT FEES For EMUHSD Parents and Students

Effective July 1, 2011 – Updated August 17, 2011

Background

The California Constitution guarantees students a free public education. In December of 2010, the California affiliates of the American Civil Liberties Union (ACLU) announced a settlement with the State of California that established a “comprehensive monitoring and enforcement system to ensure school districts do not unlawfully charge fees to students for educational activities” (ACLU). The rules regarding what fees schools can and cannot charge a student has not changed significantly. What has changed is the enforcement of what fees a student may be charged for.

School districts will now be audited on student fees as part of the compliance audit, and if found to be out of compliance regarding student fees, will be required to reimburse parents with interest. Should a school district fail to repay illegally charged student fees, the State Controller shall “withhold one percent of the amount authorized to be used for administrative costs from the next principal apportionment” (ACLU/State of California settlement).

In addition, an illegal fee section will be added to the Williams Complaint Notice, which is distributed to all families and posted in every classroom: “Pupils may not be charged fees, including security deposits, or be required to purchase equipment or materials to participate in a class or extracurricular activity.” A fee waiver policy for financially in-need students does not make a fee allowable.

The enforcement legislation agreed to in the settlement is currently moving through the state legislature and will be effective as soon as the legislation is approved.

Prohibited Fees

	Fees	Legal Ruling(s)	EMUHSD Policy
1.	Elective Classes	Attorney General	Under no circumstances, are students to be charged fees for elective courses.
2.	Security Deposits	CDE	Security deposits are prohibited in all circumstances, including security deposits for locks, lockers, books, class apparatus, musical instruments (with the exception of use on trips to foreign territories), uniforms and other equipment.
3.	Summer School	Attorney General, CDE	No student is to be charged any amount of money to attend summer school at the high school level if the District provides summer school.
4.	Registration Fee(s)	Attorney General, CDE	Registration fees are not to be charged to any student(s) for enrollment in EMUHSD high school courses.
5.	Course Catalog Fee(s)	Attorney General, CDE	No student shall be charged for a course catalog. Course catalogs may be provided at cost and discretion of individual school.
6.	Diploma/Certificates	Attorney General, CDE	No student shall be charged for a diploma or certificate. Diplomas or certificates are to be provided by individual school.
7.	Membership Fees in Student Body	Attorney General, CDE	Membership fees for Associated Student Bodies are not permissible in the District.
8.	Textbooks/Workbooks	Ed. Code §§ 60070, 60410	No student at the high school course level shall be charged a fee for the use of textbooks or workbooks. Textbooks and workbooks are to be provided free of charge to high school level students.
9.	Writing and Drawing Paper	Ed. Code § 38118	Students are not to be charged for the use of writing and drawing paper under any circumstances.
10.	Pens, Crayons, Pencils, Markers	Ed. Code § 38118	Students are not to be charged for the use of pens, crayons, markers or pencils under any circumstances.
11.	Charter School Tuition & Fees	Ed. Code § 47605(d)	Students are not to be charged tuition or any other related fees to attend a charter school.
12.	Gym Suits/Shoes	Ed. Code § 40011, Attorney General	Students are not required to purchase or use gym clothes with a school's logo on them. Students may be required, however, to use gym clothes that are of the school's adopted colors.
13.	Community Service Class	Ed. Code §§ 51810, 51815	Students are not to be charged a fee(s) to participate in a community service class under any circumstances.

14.	Athletic Teams	<i>Hartzell</i>	Students are not to be charged to participate on a school athletic team under any circumstances.
15.	Dramatic Productions	<i>Hartzell</i>	Students are not to be charged to participate in a school dramatic production under any circumstances.
16.	Vocal Music Group	<i>Hartzell</i>	Students are not to be charged to participate on a school vocal group under any circumstances.
17.	Instrumental Groups	<i>Hartzell</i>	Students are not to be charged to participate on a school instrumental group under any circumstances.
18.	Required ASB/ID Card	<i>Hartzell</i>	Students are not required to purchase an ASB/ID card. Schools may provide ASB cards at a cost, but they cannot be required under any circumstances. ID cards may be provided at the cost and discretion of the school. Schools may charge, however, for lost ID cards.
19.	Uniforms	<i>Hartzell</i>	Students are not to be charged for uniforms used for any school related activity including cheerleading, band and sports teams under any circumstances.

Authorized Fees

	Fees	Legal Ruling(s)	EMUHSD Policy
1.	Home to School Transportation	Ed. Code §§ 38028, 39807.5, 39837, <i>Arcadia v. State Board of Education</i>	It is permissible to charge students for transportation to and from home and school that is provided by the District.
2.	Materials for items constructed/made by the student	Ed. Code §§ 39526, 17551	Students may be charged for materials used by students to construct or make items if and only if the student takes the items home. This includes items for wood shop, food science and sewing courses. All students, however, are to be allowed to enroll and participate in said courses without paying any fees should they not elect to take any items home.
3.	Food served to students	Ed. Code §§ 39870-76	Students may be charged for food that is served to them outside of class (i.e., at cafeteria).
4.	Lost/Damaged Books and Other Items	Ed. Code § 48909	Students may be charged for the replacement or repair of books or other materials due to loss or damage caused by the student. Schools may elect to withhold grades, diplomas and/or transcripts until payment by the student for the loss or damage is made.
5.	Field Trips	Ed. Code § 35330, CDE	Students may not be charged to participate in a field trip. Students may, however, be charged for transportation fees for a field trip. Students may not be denied participation, however, which includes fees charged for admission to a facility as part of the field trip.
6.	Athletic Death/Injury/Health Insurance	Ed. Code § 40015	Students may be charged for athletic health, injury and death insurance. Students cannot, however, be denied participation due to a lack of funds.
7.	Medical, Hospital, Accident Insurance made available to students	Ed. Code § 35331	It is permissible to charge students for medical, hospital and/or accident insurance that is made available to the student.
8.	Adult Education Classes	Ed. Code § 52612	Students may be charged fees for courses at the Adult Education School with the exception of the following high school level courses: English, Citizenship, elementary subjects and courses where high school credit is given. This includes students who are from outside the District's boundaries unless that student is from a foreign territory.
9.	Materials purchased for students in Adult Education classes	Ed. Code §§ 52615, 60410	Students may be charged for materials used in courses at the Adult Education School with the exception of the following courses: English, Citizenship, elementary subjects and courses where high school credit is given.

10.	Deposit for Band Instruments/Uniforms for Foreign Trips	Ed. Code § 40015	It is permissible to charge students security deposits on band instruments and uniforms that are to be used on a trip to a foreign territory.
11.	Tuition for students whose parents are of foreign/country state	Ed. Code §§ 48050, 48052	Although permissible, we are not to charge tuition fees to any student at the high school level, regardless of parents' citizenship status.
12.	School Camp Programs	Ed. Code § 35335	It is permissible to charge students to participate in school camp programs. A waiver must be granted, however, to students who cannot afford to attend the camp.
13.	Leasing School Buildings for Education Use	Ed. Code §§ 39360, 39379-81, 9440, 39444, 39470	At the District level, it is permitted to lease school buildings for a fee regardless of the use and including any educational use.
14.	Attendance at Athletic, Arts Performance, and Dances	<i>Hartzell</i>	It is permissible to charge an admission fee for any athletic event, arts performance or dance sponsored by the school.
15.	Programs and Activities that are clearly not an integral component of public education	<i>Hartzell</i>	Although permissible to charge students fees for programs and activities that are clearly not an integral component of public education, one must contact the District Superintendent or his/her designee to obtain authorization to charge a fee that is not explicitly listed above.

GUIDELINES FOR DONATIONS/FUNDRAISING ACTIVITIES

For EMUHSD Parents and Students

Donations

The Supreme Court, in *Hartzell v. Connell*, stated that “educational opportunities must be provided to all students without regard to their families’ ability or willingness to pay fees or request special waivers.” As is also noted above, in 1998 the California Attorney General addressed the issue of donations, and emphasized that the constitutional concerns are alleviated when the raising of private funds is truly voluntarily.

School districts, schools, programs and classes can and do seek and accept donations of funds and property, and this practice is permissible as long as it is truly voluntary and in no way a prerequisite to participation in the program or activity. Therefore, any statement or explanation related to a donation that could lead a reasonable person to believe the donation may not be truly voluntary is strictly prohibited. Examples include but are not limited to a specified minimum amount of a donation, a date by which a donation is due, and a lesser donation amount if funds are received prior to a certain date. Additionally, any statements or actions that exert explicit or implicit pressure on students or parents to make a donation are strictly prohibited. Further, the reason a student or family does not make a donation is not a subject for inquiry – as the *Hartzell* court said, access to educational programs must not be tied to the *willingness* to pay a fee or request a waiver, not only the *ability* to pay a fee or request a waiver.

Voluntary donations may be made to a particular school program, but not to an individual student.

Fundraising

As with donations, school districts, schools, programs and classes can and do engage in fundraising activities and programs, and this practice is also permissible as long as the raising of funds is voluntary. A student who is asked to but does not raise funds may not be denied participation in an educational activity. A requirement to raise funds in order to participate, even if there is no mandated amount to be raised, is the same as requiring a fee.

The prohibition on the requirement for an individual student to raise money is to be distinguished from a requirement to attend a fundraising event as an element of participation in an activity. Students may be required to attend a fundraising event as an element of participation in an activity in the same way attendance at practices, games, rehearsals or performances are an expected aspect of participation. For example, expecting the members of a school vocal group to attend a fundraising concert that is on its calendar of events does not violate the “free school” guarantee, so long as attendance is the only requirement. Another example is when members of a school athletic team are expected to help out with a fundraising sale at a Back to School Night or Open House. Just as a coach can expect players to attend practices and games, he/she can expect players to attend a fundraising event as long as the requirement is to attend rather than to raise money as a condition of participation in the activity or program.

Permissible Fundraising Activities – including but not limited to the following:

1.	Team/Program fundraiser activities such as: <ul style="list-style-type: none">• Car washes• Magazine sales• Baked goods sales• Candy sales• Etc.
2.	Sell sponsorship signage on field and gym
3.	Provide free team schedule posters to community on which advertisements to local businesses is sold
4.	Charge for reserved parking at school sports events
5.	Charge for reserved seating at school sports events
6.	Booster clubs and foundations
7.	Corporate donations
8.	Alumni support groups
9.	Host a golf tournament
10.	Dinners, night events where food is sold
11.	Summer/Youth camps
12.	Sell school merchandise
13.	Annual Sports Hall of Fame dinner
14.	Sell fireworks for July 4 th , Independence Day
15.	Sell Christmas trees during the holidays

FAQs (Frequently Asked Questions)

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. What follows are responses to some of the Frequently Asked Questions:

Question

May a school still receive donations from parents and guardians?

Answer

Yes. School districts, schools, programs, and classes can and do seek and accept donations of funds and property, and this practice is permissible as long as the donation is truly voluntary and in no way a prerequisite to participation in the program or activity. Therefore, any statement or explanation related to a donation that could lead a reasonable person to believe the donation may not be truly voluntary is to be avoided. Access to educational programs must not be tied to either the willingness or the ability to pay a fee or request a fee waiver.

Question

May a school still fundraise?

Answer

Yes. As with donations, school districts, schools, programs and classes can and do engage in fundraising activities and programs, and this practice is also permissible as long as the raising of funds is voluntary. You may require students to attend a fundraising event; however, if they are unable to raise funds for the event, you cannot prevent them from participating in an educational activity. It is important to distinguish required fundraising from required attendance at fundraising event as attendance at a fundraising even is the same as attendance at practices, games, rehearsals, or performances which are all an expected aspect of participation. For example, expecting the members of a vocal ensemble to attend a fundraising concert that is on its calendar of events does not violate the “free school” guarantee, so long as attendance is the only requirement. Another example is when members of an athletic team are expected to help out with a fundraising sale at a Back to School Night or Open House – just as a coach can expect players to attend practices and games, the coach can expect players to attend a fundraising event as long as the requirement is to attend rather than to raise money as a condition of participation in the activity or program.

Question

May a school charge fees for uniforms for team sports?

Answer

No. A school must provide a free uniform to any student who is a member of the school team in question. Further, the free uniform must be substantially the same uniform as those that are made available for purchase. You can allow students to purchase their own uniforms if they want to purchase uniforms; however, buying a uniform cannot be a requirement to participate in a sport.

Question

May a school require team members to purchase Spirit Packs?

Answer

No. Spirit packs may be sold; however, you 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.

Question

What if a school only charges fees to those students who can afford them; and has a waiver process for those who cannot?

Answer

A waiver process based on financial need or inability to pay does not make an otherwise impermissible fee permissible.

Question

May a school charge fees for things?

Answer

Yes. There are specific fees, charges and deposits that are legally permissible because they are specifically permitted by law. The following specific fees, charges and deposits are legally permissible:

- Charges for optional attendance as a spectator at a school or District sponsored activity.
- Charges for food served to students, subject to free and reduced price meal program eligibility and other restrictions specified in law.
- 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.
- 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.
- Medical or hospital insurance for field trips that is made available by the school district.
- Charges for required medical and accident insurance for athletic team members, so long as there is a waiver for financial hardship.
- 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.
- Charging for the parking of vehicles on school grounds.
- Charges for the rental or lease of personal property needed for District purposes, such as caps and gowns for graduation ceremonies.
- Fees for school camp programs, so long as no student is denied the opportunity to participate because of nonpayment of the fee.
- 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.
- Reimbursement for the actual cost of duplicating public records, student records, or a prospectus of the school curriculum.
- 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 and provided there is a waiver provision based on financial need.
- Fees for transportation of pupils to places of summer employment.
- Tuition fees charged to pupils whose parents are actual and legal residents of an adjacent foreign country or an adjacent state.
- 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.
- 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.
- 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.

- Deposits for band instruments, music, uniforms and other regalia which school band members take on excursions to foreign countries.
- 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.

Question

Students run for and serve on the ASB Board have been required in the past to purchase ASB stickers/cards, is this still ok to do?

Answer

No. ASB stickers/cards are optional item for all students. Students cannot be required to buy ASB stickers/cards in order to run for an office or as a condition to participate in a club/organization or try out for a team or sport.

Question

Key Club and CSF Club both have collected dues from students in the past because they pay annual registrations to organizations on the national level. Is it still ok to collect these dues from students?

Answer

Students cannot be required to pay the dues as a condition for membership in the club at the school level. If the national level club/organization collects dues, the students should be directed to pay them directly to the organization, but membership in the national level club/organization cannot be a requirement for membership in the school level club.

Question

In the past some classes like Art or Ceramics have charged each student \$10 to \$20 for extra materials for creations that students take home and keep. Is it still ok to charge students for extra materials?

Answer

Students can be charged for materials if they will take home what they make. However, students should be able to make things they do not take home if they do not want to pay for extra materials. Understandably, this means that students (1) make things that they do not take home and we throw it away; or (2) in the case of a ceramics course, they cannot fire their clay items in the kiln, so that the clay remains reusable.

Question

Does the student fees policy apply to club sports? Our high school does not fund the sport. Coaches are fingerprinted and processed by the district, but they are recruited, hired and paid by parents. Equipment, tournament fees and other team expenses have always been covered 100% by parents.

Answer

School-associated club sports are extracurricular activities and, therefore, subject to the same fee limitations as any other extracurricular activity. Funding must be through donations, not mandatory fees.

Question

I have a question that isn't answered above, what should I do?

Answer

Parents, guardians, students, faculty, and staff should direct questions about school-specific matters needing clarification/explanation directly to the school's principal. **Principals** should contact the Superintendent or designee for guidance and support with responses to school-specific questions about student fees, charges, deposits, donations and fundraising. The Superintendent will ensure that questions and responses are disseminated to schools.