

Galt Joint Union High School District



Donations, Fundraisers, and Permissible Student Fees

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Overview

This manual provides general guidelines and procedures regarding permissible and impermissible student fees, charges, and donations, as well as organizing fundraisers.

Under the California Constitution, the free school guarantee prohibits charging students any fee, charge, or deposit for curricular, extracurricular, credit, or non-credit activities that are part of the District or a school site's educational program.

There are, however, specific statutes in the Education Code and other laws which identify definite circumstances when fees and charges are permissible. Those specific situations are included in this manual.

Nothing in the law prohibits voluntary donations, contributions, and fundraising by students and their families to support District and school site programs, so long as monetary donations, contributions, and fundraising activities are not made mandatory for students and their families and there are no conditions placed upon the donation.

Charges by private businesses to students for services that are not integral parts of the District or a school site's educational program are permissible, even if facilitated by the District or school site (e.g., school pictures or sports pictures).

To help our families and community understand how they can best support the programs their children are participating in, clear communication is critical. Any written communication regarding fees must be approved by your principal prior to distribution.

Should you have questions regarding student fees, charges, donations, or fundraisers, contact your site principal or the Business Services department at 209-745-3094.

General Rules

The free school guarantee under the California Constitution prohibits charging students any fee, charge or deposit for curricular, extracurricular, credit, or non-credit activities that are part of the District's or a school sites' educational program.

Authority:

- California Constitution, article IX, § 5
 - Hartzell v. Connell (1984) 35 Cal.3d 899
 - Cal. Code Regs., tit. 5, § 350
-

Fees and charges are permissible where specifically provided for by the Education Code.

Authority:

- Cal. Code Regs., tit. 5, § 350
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Voluntary donations, contributions, and fundraising by students and their families to support District and school site programs are always permissible, so long as donations, contributions, and fundraising activities are not made mandatory for students and their families.

Authority:

- Ed. Code, §§ 41032, 41037
 - Ed. Code, § 35160 et seq.
 - Ed. Code, §§ 51520, 51521
 - 81 Ops. Cal. Atty. Gen. 153 (1998)
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Charges by private businesses to students for services that are not integral parts of the District or school site's educational program are permissible, even if facilitated by the District or school site (e.g., school pictures or sports pictures).

Authority:

- California Constitution, article IX, § 5
- Hartzell v. Connell (1984) 35 Cal.3d 899

Permissible Student Charges and Fees

Fabrication-Purchase Fees

Authority:

- Education Code § 17551
 - (Students may be charged a fabrication purchase fee for the direct costs in purchasing a project/property fabricated in a class such as a bookcase in woodshop. The charge is limited to the direct costs for the project. Absent purchase of the project for its direct costs, the school site may keep the project as its own personal property. Distinct from a fabrication/purchase fee for direct costs, up front general fees for supplies are *not* permissible.)
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Charge for damaged school property or failure to return school property on loan to student

Authority:

- Education Code § 48904, subd. (b)(1) (“Any school district . . . whose real or personal property has been *willfully cut, defaced, or otherwise injured, or whose property is loaned to a pupil and willfully not returned upon demand of an employee of the district . . .* authorized to make the demand may, after affording the pupil his or her due process rights, *withhold the grades, diploma, and transcripts of the pupil responsible for the damage* until the pupil or the pupil’s parent or guardian has paid for the damages thereto, as provided in subdivision (a).”).
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Science Camp Fees

Authority:

- Education Code §§ 35335 and 8760
 - (While the Education Code allows for this fee, *it cannot be mandatory*, and a student cannot be denied the opportunity to participate in science camp for nonpayment of the fee).
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Field Trip Transportation Fees

Authority:

Education Code § 35330

- (Although the Education Code allows for the charge of a fee for the direct transportation costs for field trips, *students cannot be denied the opportunity to participate in the field trip for failure to pay the fee.*)
-

Transportation Fees for transporting students to and from school, or between school and occupational training courses

- In *Arcadia Unified School District v. State Dept. of Ed.* (1992) 2 Cal.4th 251, the California Supreme Court held that the free school guarantee applies only to “educational activities” and, as a result, transportation fees under Education Code section 38907.5 were permissible.
 - (The fee shall be no greater than the statewide average nonsubsidized cost of providing this transportation to a student on a publicly owned or operated transit system, and no fee shall be charged indigent or handicapped children).
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Permissible Student Charges and Fees (Continued)

Transportation Fees for transporting students to and from their places of employment during the summer in connection with any summer employment program for youth

- Ed. Code, § 39837 (“The governing board of any school district may use and operate any bus owned or under lease to the district for the transportation of pupils to and from their places of employment during the summer in connection with any summer employment program for youth. The governing board shall require the payment of a reasonable charge for transportation so furnished . .”).
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Insurance for Athletic Team Members

Authority:

- Ed. Code, § 32221 (If a member of the team is financially unable to pay the cost of insurance, the district must cover the cost).
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Insurance for Medical or Hospital Service for students participating in excursions and field trips

Authority:

- Ed. Code, §§ 35330, subd. (b)(1), 35331 (No student may be prevented from making the excursion or field trip because of lack of sufficient funds).
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Student Fingerprinting Program

Authority:

- Ed. Code, § 32390 (The fee shall be calculated to reimburse the district only for the actual costs of the fingerprinting program).
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Deposits for school band instruments, music, uniforms, and other regalia *that the band members take with them on excursions to foreign countries*

Authority:

- Ed. Code, § 38120 (As described below in Impermissible Fees, such a fee or deposit is not permitted for band instruments, music, uniforms, and other regalia when not for the specific use on excursions to foreign countries).
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Fees for Community Service Classes

Authority:

- Ed. Code, § 51815 (The fees may not exceed the cost of maintaining such classes).
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Eye Safety Devices

Authority:

- Ed. Code, § 32033 (“eye protective devices may be sold to the pupils and teachers . . . at a price that shall not exceed the actual cost of the eye protective devices to the school or governing board.”).
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Permissible Student Charges and Fees (Continued)

Copies of Public Records

Authority:

- **Gov. Code, § 6253 (The charge is limited to the direct costs of duplication).**
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School Curriculum Prospectus

Authority:

- Ed. Code, § 49091.14 (“When requested, the prospectus shall be reproduced and made available. School officials may charge for the prospectus an amount not to exceed the cost of duplication.”).
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Food Sold at School

Authority:

- Ed. Code, § 38084 (This is limited by and subject to free and reduced price meal program eligibility and other restrictions specified in law).
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Tuition for students whose parents are actual and legal residents of any adjacent state or adjacent foreign country

Authority:

- Ed. Code, §§ 48050, 48052, 52613
 - 8 U.S.C. § 1184
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Childcare and Development Services

Authority:

- Ed. Code, § 8263, subd. (g)(1)
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Yearbooks

Authority:

- The sale of yearbooks is a fundraising activity, and possession of a yearbook is not an integral part of the educational process.
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Adult Education Classes, Books, and Materials, as specified in law

Authority:

- Ed. Code, §§ 52612, 60410 (There exist limitations to such fees and charges under Education Code section 52612, which are discussed below under Impermissible Fees.)
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Permissible Student Charges and Fees (Continued)

Certain Adult Education Instruction for Nonimmigrant Aliens

Authority:

- Ed. Code, § 52613 (If the District offers “classes for adults that issues a Certificate of Eligibility for Nonimmigrant (F-1) Student Status - For Academic and Language Students, Form I-20AB, or completes Form I-20AB for a nonimmigrant alien, for the purposes of enrolling the nonimmigrant alien in a class in English and citizenship for foreigners or a class in an elementary subject, shall charge the nonimmigrant alien a fee to cover the full costs of instruction, but in no case shall the fee exceed the actual cost of the instruction”)
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Adult education cases in English and citizenship for foreigners

Authority: ***Effective January 1, 2012 until July 1, 2015***

- AB 189; Ed. Code § 52612
 - Cal. Code Regs., tit. 5, § 350
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Physical Education Uniforms

Authority:

- Ed. Code, § 49066
 - CDE Fiscal Management Advisory 97-02 (“CDE Fiscal Advisory”)
 - (The design and color must be of a type sold for general wear outside school, and the student's grade may not be adversely affected due to the fact that the student does not wear the uniform, where the failure to wear the uniform arises from circumstances beyond the student's control).
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Workbooks or other instructional packets, if such materials are also available free of costs, under specific conditions

Authority:

- So long as workbooks and instructional materials are provided free of costs, the District may impose a direct costs fee for the voluntary purchase of the workbook or instructional materials. The materials must be made available free of costs to students who do not wish to purchase them, and actual ownership of the materials cannot be required to success or completion of the curriculum (e.g., students cannot be required to turn in assignments taken directly from a workbook that would require students to either purchase the workbook or expend funds to copy the workbook materials on loan in order to turn in the assignment).

Impermissible Fees and Charges

Instructional Materials

Authority:

- Education Code § 60070 (“No school official shall require any pupil . . . to purchase any instructional material for the pupil’s use in the school.”).
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Necessary School Supplies

Authority:

- Education Code § 38118 (“Writing and drawing paper, pens, inks . . . crayons, lead pencils, and other necessary supplies for the use of the schools, *shall be furnished* under direction of the governing boards of the school districts.”).
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Band instruments, band and choir uniforms

Authority:

- Education Code § 38111 (There is an exception to this rule discussed above in Permissible Fees for purposes of excursions to foreign countries.)
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Participation in any District or school site athletic or other extracurricular offering such as band, choir, or drama

Authority:

- California Constitution, article IX, § 5
 - Hartzell v. Connell (1984) 35 Cal.3d 899
 - Cal. Code Regs., tit. 5, § 350
-

Student body membership fees as a condition for enrollment or participation in curricular or extracurricular activities sponsored by the school

Authority:

- Hartzell v. Connell (1984) 35 Cal.3d 899
 - Cal. Code Regs., tit. 5, § 350
 - CDE Fiscal Advisory
-

Admission to an exhibit, fair, theater, or similar activity for instruction or extracurricular purposes when a visit to such places is part of the District’s educational program

Authority:

- California Constitution, article IX, § 5
 - Hartzell v. Connell (1984) 35 Cal.3d 899
 - Cal. Code Regs., tit. 5, § 350
 - CDE Fiscal Advisory
-

Impermissible Fees and Charges (Continued)

Any class or course of instruction, including summer or vacation school, examination fees, late registration or program change fees, a fee for a diploma or certificate, or a lodging fee

Authority:

- Hartzell v. Connell (1984) 35 Cal.3d 899
 - Cal. Code Regs., tit. 5, § 350
 - CDE Fiscal Advisory
-

Adult education cases in English and citizenship for foreigners

Authority: ***Effective until December 31, 2011, AND after July 2, 2015 January 1, 2012***

- AB 189; Ed. Code § 52612
 - Cal. Code Regs., tit. 5, § 350
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CAHSEE Intensive Instruction and Services

Authority:

- California Constitution, article IX, § 5
 - Hartzell v. Connell (1984) 35 Cal.3d 899
 - Cal. Code Regs., tit. 5, § 350
 - Ed. Code, § 37254
 - (The bar to fees for fees or charges for this purpose applies whether the District provides such instruction or services through its secondary or adult education programs.)
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Tests, passage of which will result in high school credits, even if the class and course work proceeding test are provided for free

Authority:

- California Constitution, article IX, § 5
 - Hartzell v. Connell (1984) 35 Cal.3d 899
 - Cal. Code Regs., tit. 5, § 350
 - CDE Fiscal Advisory
-

Adults taking classes for high school credit, and who have not obtained a high school diploma

Authority:

- Ed. Code, § 52612 (“No fee charge shall be made for a class designated by the governing board as a class for which high school credit is granted when the class is taken by a person who does not hold a high school diploma . . .”) (This includes adults returning to school after dropping out if they have not obtained a high school diploma and are taking the class for high school credit.)
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**** Unless specifically authorized and stated in by the Legislature, the grant of flexibility in the use and spending of categorical funding, for example for adult education, does not affect the free school guarantee requirements and bar to non-statutory student fees and charges described herein.***

Authority:

- California Constitution, article IX, § 5
- Hartzell v. Connell (1984) 35 Cal.3d 899
- Cal. Code Regs., tit. 5, § 350