

Review of guidelines, policies, and procedures for student fees, donations, fundraising, and field trips

**CLARIFICATION OF POLICY FOR NHUSD STAFF
FALL, 2011**



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, fundraising, and field trips.



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.
- Preserves equity: students have access to opportunities regardless of family income



NON-PERMISSIBLE FEES

- California public 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).



PERMISSIBLE FEES

California public schools may charge fees as outlined in the Education Code. These include:

- Lost or damaged books or district supplies
- Direct cost of materials for property the student has made in class for their own use



FAQ'S (FREQUENTLY ASKED QUESTIONS)



FAQ #1: MAY A SCHOOL STILL RECEIVE DONATIONS FROM PARENTS AND GUARDIANS?

RESPONSE: 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, including field trips. In addition, donations can NOT be made for a specific student; instead, they must be made to a school or program. For example, if a person wishes to donate to their school's cheerleading program, they can donate to the cheer program or to the cost of cheer camp but not specifically for cheerleader Gabrielle Union's participation in the program or the camp.



FAQ #2: MAY A SCHOOL FUNDRAISE?

RESPONSE: Yes. 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, you cannot prevent them from participating in the educational activity the fundraising is supporting. Also, attendance at a fundraiser can be required if it is a team or club event. 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.).



FAQ #3: CAN SCHOOLS CHARGE FOR ANY COSTS OF FIELD TRIPS?

RESPONSE: No. School districts, schools, programs, and classes may not charge students for the cost of transportation, admission, meals, or any other expense associated with the field trip that is necessary for student participation. The school can receive donations for field trip expenses and may fundraise under the conditions described previously.



FAQ #4: MAY A SCHOOL CHARGE FEES FOR UNIFORMS OR MATERIALS FOR TEAM SPORTS OR ACTIVITIES?

RESPONSE: No. A school must provide a free uniform and other necessary materials to any student who is a member of the school team. You can allow students to purchase their own uniforms and other materials if they want to purchase and keep those items; however, buying a uniform or other materials cannot be a requirement to participate in a sport. If the student does not purchase the uniform or other materials, it remains the property of the school and is treated as if it were a textbook: if it is lost or damaged beyond reasonable wear and tear, the student is responsible for the repair or replacement costs. This also applies to lab fees—they are also prohibited unless the student agrees to keep the materials purchased.



FAQ #5: CAN A SCHOOL CHARGE FEES ONLY TO THOSE STUDENTS WHO CAN AFFORD THEM, AND PROVIDE 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. A teacher could not say, "The cost of the trip is \$10 per person, but if you can't pay, see me and we'll see what we can do." That is a waiver process. Instead, a teacher can say, "The cost of the trip for our entire class to go is \$350, which works out to \$10 a student. We will be asking for donations to raise \$350 for the trip; a suggested donation is \$10."



FAQ #6: CAN A SCHOOL CHARGE A GYM FEE FOR PE CLOTHES?

RESPONSE: No. California public schools cannot charge fees for gym or physical education clothes. Education Code 49066 states: "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 for lack of sufficient funds. A school could "check out" PE clothes to students, similar to a textbook check out, which the student would need to pay for if the clothes are damaged or lost.



FAQ #7: DO THESE POLICIES APPLY TO ACTIVITIES THAT OCCUR OUTSIDE THE SCHOOL DAY?

RESPONSE: **Yes.** California law prohibiting fees applies as long as the activity is affiliated with the school, whether it be outside the school day or school year. For example, if a teacher wanted to lead a group of students for a trip to a statewide conference during the summer, the teacher could ask the students to pay as long as it was clear that the trip was not connected to the school. If that event occurred during the year, and the teacher would be absent, she would need to take a personal day for her absence so that there is clearly no endorsement by the school or district for the trip's required fee.



FAQ #8: ON A FIELD TRIP, CAN STUDENTS BE ASKED TO PAY FOR THEIR OWN MEALS?

RESPONSE: Students can only be asked to pay for their food if they do not qualify for free or reduced price lunch. **However**, because a student's qualification for free or reduced price lunch is private information which even a principal cannot access, we cannot ask students to pay for their own meals on field trips. If your field trip will last over the lunch period, consider either including each person's lunch in the donation costs, or contacting Food Services to get a sack lunch for each student. You can, for example, ask which students would like to bring their own lunch instead of having a bag lunch provided by the school, and raise funds to provide a sufficient number of school lunches.



ENSURING COMPLIANCE AND SUPPORT THROUGHOUT OUR COMMUNITY

- Facilitating meetings/presentations with faculty, staff, parents, guardians, sports teams, NHUSD Foundation representatives
- Posting information on NHUSD website that includes FAQ's, resources, and sample language for field trip permission forms that faculty and staff should use
- Requiring all teachers and coaches (part-time and full-time) to confirm that they are aware of the law and have watched this presentation.



**THANK YOU FOR YOUR
COMMITMENT TO FOLLOWING
THE LAW AND ENSURING
EQUITY THROUGHOUT OUR
DISTRICT**

Additional Questions? Contact your principal.

