

General Fees, Charges, Donations and Fundraising Guidance Chart

The following chart is intended to the Madera Unified School District community regarding understanding the laws regarding permissible and impermissible student fees.

A. General Rules

Rule	Authority
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.	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.	Cal. Code Regs., tit. 5, § 350
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.	Education Code, §§ 41032, 41037 Education Code, § 35160 et seq. Education Code, §§ 51520, 51521 81 Ops. Cal. Atty. Gen. 153 (1998)
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).	California Constitution, article IX, § 5 Hartzell v. Connell (1984) 35 Cal.3d 899

B. Permissible Student Fees and Charges

Permissible Charge	Authority
Fabrication-Purchase Fees	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 <i>not</i> permissible.)
Charge for damaged school property or failure to return school property on loan to student.	Education Code § 48904, subd. (b)(1) ("Any school district . . . whose real or personal property has been <i>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 . . .</i> authorized to make the demand may, after affording the pupil his or her due process rights, <i>withhold the grades, diploma, and transcripts of the pupil responsible for the damage</i> until the pupil or the pupil's parent or guardian has paid for the damages thereto, as provided in subdivision (a).").
Field Trip Fees (Such fees can include transportation costs, as well as the costs of admission or entry fees associated with the field trip, so long as students are still allowed to attend the field trip even if unable to pay the relevant fees.)	Education Code § 35330 (Although the Education Code allows for the charge of a fee for the direct transportation costs for field trips, <i>students cannot be denied the opportunity to participate in the field trip for failure to pay the fee.</i>)
Transportation Fees for transporting students to and from their places of employment during the summer in connection with any summer employment program for youth.	Education 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").
Parking Fees	Consistent with the ruling in Arcadia Unified School District v. State Dept. of Ed. (1992) 2 Cal.4th 251, and transportation fees under Education Code section 38907.5, Vehicle Code section 21113 gives the District authority to limit and impose conditions on parking on school grounds, and parking on school grounds is not an educational activity. Therefore, high schools may impose a reasonable parking fee.
Insurance for Athletic Team Members	Education Code, § 32221 (If a member of the team is financially unable to pay the cost of insurance, the district must cover the cost).
Insurance for Medical or Hospital Service for students participating in excursions and field trips	Education Code, §§ 35330, subd. (b)(1), 35331 (No student may be prevented from making the excursion or field trip because of lack of sufficient funds).

Student Fingerprinting Program	Education Code, § 32390 (The fee shall be calculated to reimburse the district only for the actual costs of the fingerprinting program).
Deposits for school band instruments, music, uniforms, and other regalia <i>that the band members take with them on excursions to foreign countries</i>	Education 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).
Fees for Community Service Classes	Education Code, § 51815 (The fees may not exceed the cost of maintaining such classes).
Eye Safety Devices	Education 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.”).
Copies of Public Records	Gov. Code, § 6253 (The charge is limited to the direct costs of duplication).
School Curriculum Prospectus	Education Code, § 49091.14 (“When requested, the prospectus shall be reproduced and made available. School officials may charge for the prospectus at an amount not to exceed the cost of duplication.”).
Caps and Gowns	Education Code, § 38119
Food Sold at School	Education Code, § 38084 (This is limited by and subject to free and reduced price meal program eligibility and other restrictions specified in law).
Tuition for students whose parents are actual and legal residents of any adjacent state or adjacent foreign country	Education Code, §§ 48050, 48052, 52613 8 U.S.C. § 1184
Childcare and Development Services	Education Code, § 8263, subd. (g)(1)
Yearbooks	The sale of yearbooks is a fundraising activity, and possession of a yearbook is not an integral part of the educational process.
Adult Education Classes, Books, and Materials, as specified in law	Education Code, §§ 52612, 60410 (There exist limitations to such fees and charges under Education Code section 52612, which are discussed below under Impermissible Fees.)
Certain Adult Education Instruction for Nonimmigrant Aliens	Education Code, § 52613 (If the District offers “classes for adults that issue 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”)
Physical Education Uniforms	Education 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).

C. Impermissible Fees and Charges.

Impermissible Charge	Authority/Explanation
Instructional Materials	Education Code § 60070 (“No school official shall require any pupil . . . to purchase any instructional material for the pupil’s use in the school.”).
Necessary School Supplies	Education Code § 38118 (“Writing and drawing paper, pens, inks . . . crayons, lead pencils, and other necessary supplies for the use of the schools, <i>shall be furnished</i> under direction of the governing boards of the school districts.”).
Band instruments, band and choir uniforms	Education Code § 38111 (There is an exception to this rule discussed above in Permissible Fees for purposes of excursions to foreign countries.)
Participation in any District or school site athletic or other extracurricular offering such as band, choir, or drama	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	Hartzell v. Connell (1984) 35 Cal.3d 899 Cal. Code Regs., tit. 5, § 350 CDE Fiscal Advisory
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	Hartzell v. Connell (1984) 35 Cal.3d 899 Cal. Code Regs., tit. 5, § 350 CDE Fiscal Advisory
Tests, passage of which will result in high school credits, even if the class and course work proceeding test are provided for free	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	Education 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.)
Adult education classes in English and citizenship for foreigners or a class in an elementary subject	Education Code, § 52612 (There is a small exception to this limitation under Education Code section 52613, which is discussed above under Permissible Fees).
* <i>Unless specifically authorized and stated in by the Legislature</i> , 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.	California Constitution, article IX, § 5 Hartzell v. Connell (1984) 35 Cal.3d 899 Cal. Code Regs., tit. 5, § 350