



Know Your Rights - Free Public Education in California

Frequently Asked Questions

- 1) May a school charge students for elective classes or extracurricular activities?

No, schools may not charge fees for participation in classes or extracurricular activities. It does not matter if the class or activity is compulsory or elective. Prohibited fees include required security deposits or required purchases of materials or equipment necessary for participation in the class or extracurricular activity.

- 2) Does AB 1575 prohibit any student fees that were previously legal?

No. AB 1575 explicitly states that it is “declarative of existing law and shall not be interpreted to prohibit the imposition of a fee, deposit, or other charge otherwise allowed by law.” (California Education Code Section 49011(e).) The goal of AB 1575 is to ensure all students’ constitutional rights are protected by improving awareness of existing law and providing a means for resolving concerns swiftly and without costly litigation.

- 3) May a school charge fees only to those students who can afford them and offer waivers for those who cannot?

No. A waiver process based on financial need or inability to pay does not make an otherwise impermissible fee permissible.

- 4) Are there any fees that a school may charge?

Yes. There are some specific fees, charges and deposits that are legally permissible because they are specifically authorized by state law and not otherwise prohibited by the state constitution. For example, schools may charge for:

- Optional attendance as a spectator at a school or district-sponsored activity (e.g., attending a school dance);
- Food served to students, subject to free and reduced price meal program eligibility and other restrictions;

- The cost of replacing school books or supplies loaned to a student that the student fails to return or willfully damages (up to an amount not to exceed \$10,000).

For information on other fees authorized by state law, see the guidance issued by the California Department of Education regarding student fees:

<http://www.cde.ca.gov/re/lr/fm/>

5) **May a school request and receive donations from parents and guardians?**

Yes, of course. Schools, districts, school programs, teachers and coaches can and do seek and accept voluntary donations of funds and property. The key point is that the donations must be truly voluntary. A student's participation in a class, program or activity cannot be conditioned upon receipt of a "donation."

To avoid any misinterpretations, AB 1575 includes a provision that states that the bill "shall not be interpreted to prohibit solicitation of voluntary donations of funds or property, voluntary participation in fundraising activities, or school districts, schools, and other entities from providing pupils prizes or other recognition for voluntarily participating in fundraising activities." (California Education Code Section 49011(c).)

6) What can I do if I believe I am being charged an illegal fee?

You may raise your concern with school or district administrators and request reimbursement where appropriate. As described above, you now have the option of filing a complaint at your school and seeking reimbursement through the simple Uniform Complaint Process. If you wish to explore all of your legal options, you should consult with an attorney.

7) Where can I find more information about the "free school guarantee" and the legality of specific types of fees?

While we can offer no endorsement or assurances of accuracy, you may find the following resources useful:

The California Department of Education distributed a fiscal management advisory regarding pupil fees, deposits and other charges to all County and District Superintendents and Charter School Administrators on November 9, 2011:
<http://www.cde.ca.gov/re/lr/fm/>.

California's Fiscal Crisis and Management Assistance Team (FCMAT) has posted Guidelines for Student Fees, published by the Tulare County Counsel, on its website:
<http://wwwstatic.kern.org/gems/fcmat/StudentfeesguidelinesTulareC.pdf>.

Many school districts have information about student fees on their websites now. For example, San Diego Unified School District provides an overview of how the law regarding student fees has developed: <http://www.sandi.net/Page/3094>.

8) Where can I get a copy of Assembly Bill 1575?

The text of the bill is posted at: http://www.leginfo.ca.gov/pub/11-12/bill/asm/ab_1551-1600/ab_1575_bill_20120929_chaptered.pdf.

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Last updated February 20, 2013.