

CONEJO VALLEY UNIFIED SCHOOL DISTRICT

Assembly Bill 1575 - Training Manual

**Donations, Fundraisers, &
Permissible Student Fees**



Instructional Services



CONEJO VALLEY UNIFIED SCHOOL DISTRICT

Table of Contents

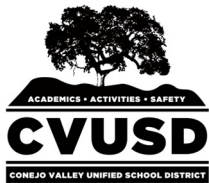
Guidelines/Expectations	1
Overview	2
General Rules	3
Permissible Student Charges and Fees	4-8
Impermissible Fees and Charges	9-10
Student Fees FAQs (Frequently Asked Questions).....	11-14
Guidelines for Donations and Fundraising	15
CDE Fiscal Management Advisory	16
<i>Monitoring Student Fees, Donations, and Fundraising Guidelines</i>	
<i>Compliance form (sample)</i>	<i>17</i>
<i>Booster Organization Reauthorization form (sample).....</i>	<i>18-19</i>



CONEJO VALLEY UNIFIED SCHOOL DISTRICT

Guidelines/Expectations

1. All school Principals (K-12) will annually review (at the beginning of each school year) the information contained in this handbook with their administrative staff, teachers, athletic coaches and advisors.
2. All High School Principals will review the information contained in this booklet with their Assistant Principals of Athletics, Deans of Activities and the Athletic Coordinators.
3. All High School Principals will confirm and sign the “Annual Monitoring Student Fees, Donations, and Fundraising Guidelines Compliance” form (sample, p. 17) by the third week in September each school year.
4. All Assistant Principals of Athletics, Deans of Activities and Athletic Coordinators are required to review the information contained in this handbook with the Presidents and Treasurers of the booster clubs that are operated in conjunction with athletics/activities at their school sites.
5. All High School Principals, Assistant Principals of Athletics and Deans of Activities are required to monitor compliance of AB 1575 on a regular basis throughout the school year.
6. Any issues/concerns or questions regarding AB 1575 compliance are to be reported directly to the principal, specific booster club president and head athletic coach or advisor of the student activity.
7. If the issues/concerns are not resolved in an expedient manner, the school principal is expected to contact the Director of Secondary Education or Director of Elementary Education immediately to bring resolution to the issue/concern.
8. All Middle School Principals/Co-Administrators and all Elementary School Principals will meet with their Booster Club/Parent Support Group Presidents and Treasurers to ensure compliance with AB 1575.
9. Presidents and Treasurers of Booster Clubs will certify compliance training via signature on “Booster Organization Reauthorization” form (sample pp. 18-19).



CONEJO VALLEY UNIFIED SCHOOL DISTRICT

Overview

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 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 document.

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).

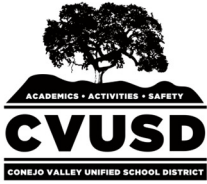
To help our families and community understand how they can best support the programs their children are participating in, clear communication of both permissible and impermissible fees is critical. *The district's expectation is that all booster/parent support groups (K-12) have been provided this information annually and are operating in compliance with AB 1575. Should you have questions regarding student fees, charges, donations, or fundraisers, contact your site principal, the Office of Secondary Education at (805) 497-9511 x210, or the Office of Elementary Education x241.*



CONEJO VALLEY UNIFIED SCHOOL DISTRICT

General Rules

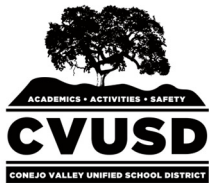
Rule	Authority
<p>The free school guarantee under the California Constitution prohibits charging students any fee, charge or deposit for curricular, extra-curricular, credit, or non-credit activities that are part of the District's or a school site's educational program</p>	<p>California Constitution, Article IX § 5 Hartzell v. Connell (1984) 35 Cal.3d 899 Cal. Code Regs., Title. 5, § 350</p>
<p>Fees and charges are permissible where specifically provided for by the Education Code.</p>	<p>Cal. Code Regs., Title. 5, § 350</p>
<p>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 <u>are not made mandatory</u> for students and their families.</p> <p>Exception: In certain instances, a student may be required to attend/participate in a fundraising event or activity to support a team or program, such as to attend a spaghetti feed or car wash to support an athletic team or program on which the student participates. Such participation does not require or obligate a student or family to make a monetary contribution to the program, and merely requires the student to participate in a team event such as practice.</p>	<p>Ed. Code, §§ 41032, 41037 Ed. Code, § 35160 et seq. Ed. Code, §§ 51520, 51521 81 Ops. Cal. Atty. Gen. 153 (1998)</p>
<p>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).</p>	<p>California Constitution, Article IX, § 5 Hartzell v. Connell (1984) 35 Cal. 3d 899</p>



CONEJO VALLEY UNIFIED SCHOOL DISTRICT

Permissible Student Charges and Fees

Permissible Charge	Authority
<p style="text-align: center;">Direct Cost Fabrication-Purchase Fees</p>	<p>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.)</p>
<p style="text-align: center;">Charge for damaged school property or failure to return school property on loan to student</p>	<p>Education Code § 48904, subd. (b)(1) (Any school district...whose real or personal property has been <i>willfully</i> cut, defaced, or otherwise injured, or whose property is loaned to a pupil and <i>willfully</i> 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, <i>withhold</i> 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).)</p>
<p style="text-align: center;">Outdoor School/Science Camp Fees</p>	<p>Ed. Code, §§ 35335, 8760 (While the Education Code allows for this fee, it <i>cannot be mandatory</i>, and a student cannot be denied the opportunity to participate in science camp for nonpayment of the fee.)</p>
<p style="text-align: center;">Field Trip Fees</p>	<p>Ed. Code, § 35330 (Although the Education Code allows for the charge of a fee for the direct costs for field trips, <i>students cannot be denied the opportunity to participate in the field trip for failure to pay the fee.</i>)</p>



CONEJO VALLEY UNIFIED SCHOOL DISTRICT

Permissible Student Charges and Fees (continued)

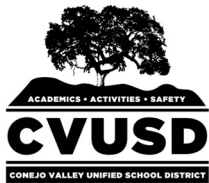
Permissible Charge	Authority
<p>Transportation Fees for transporting students to and from school, or between school and occupational training courses.</p>	<p>In Arcadia Unified School district v. State Dept. of Ed. (1992) 2 Cal. 4th 251, the California Supreme Court held that the free school guarantee 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 non-subsidized 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.)</p>
<p>Transportation Fees for transporting students to and from their places of employment during the summer in connection with any summer employment program for youth.</p>	<p>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....”)</p>
<p>Parking Fees</p>	<p>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.</p>
<p>Insurance for Athletic Team Members</p>	<p>Ed. Code, § 32221 (If a member of the team is financially unable to pay the cost of insurance, the District must cover the cost.)</p>
<p>Insurance for Medical or hospital Service for students participating in excursions and field trips</p>	<p>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.)</p>



CONEJO VALLEY UNIFIED SCHOOL DISTRICT

Permissible Student Charges and Fees (continued)

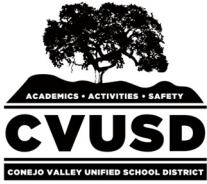
Permissible Charge	Authority
Student Fingerprinting Program	Ed. Code, § 32390 (The fee shall be calculated to reimburse the District only for the actual costs of the fingerprinting program.)
Deposits for school band instruments, music, uniforms, and other regalia <i>that the band members take with them on excursions to foreign countries</i>	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.)
Fees for Community Service Classes	Ed. Code, § 51815 (The fees may not exceed the cost of maintaining such classes.)
Eye Safety Devices	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.”)
Copies of Public Records	Ed. Code, § 6253 (The charge is limited to the direct costs of duplication.)
School Curriculum Prospectus	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.”)
Food Sold at School	Ed. 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	Ed. Code, §§ 48050, 48052, 52613 8 U.S.C. § 1184
Childcare and Development Services	Ed. Code, § 8263, subd. (g)(1)



CONEJO VALLEY UNIFIED SCHOOL DISTRICT

Permissible Student Charges and Fees (continued)

Permissible Charge	Authority
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	Ed. 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	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....”)
Adult education classes in English and citizenship for foreigners	AB 189 Ed. Code, § 52612 Cal. Code Regs., Title. 5, § 350
Physical Education Uniforms	Ed. Code, § 49066 CDE Fiscal Management Advisory 97-02 (“CDE Fiscal Advisory 97-02”) (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 failure to wear the uniform arises from circumstances beyond the student’s control.)



CONEJO VALLEY UNIFIED SCHOOL DISTRICT

Permissible Student Charges and Fees (continued)

Permissible Charge	Authority
<p>Workbooks or other instructional packets, if such materials are also available free of costs, under specific conditions</p>	<p>As 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).</p>
<p>Library Late Fees or Fines</p>	<p>Ed. Code, §§ 48904, 19910, 19911</p>

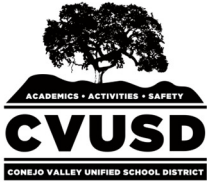
Note: On the following pages you will find information on Impermissible Fees and additional information on Donations and Fundraising. Please emphasize this information with your booster clubs/parent support groups.



CONEJO VALLEY UNIFIED SCHOOL DISTRICT

Impermissible Fees and Charges

Impermissible Charge	Authority/Explanation
Instructional Materials	Ed. 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	Ed. 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	Ed. Code, § 38111 (There is an exception to this rule discussed above in Permissible Fees for purposes of excursions to foreign countries.)
Athletic, Cheer or "Like" uniforms	Ed. Code, § 38111
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. Title. 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., Title. 5, § 350 CDE Fiscal Advisory 97-02 CDE Fiscal Management Advisory 11-01 ("CDE Fiscal Advisory 11-01")
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 (outside of the exception provided for in Education Code section 48904), or a lodging fee	Hartzell v. Connell (1984) 35 Cal. 3d 899 Cal. Code Regs., Title. 5, § 350 CDE Fiscal Advisory 97-02 CDE Fiscal Advisory 11-01
Adult education classes in English and citizenship for foreigners or adult classes in an elementary subject	AB 189 Ed. Code, § 52612 Cal. Code Regs., Title. 5, § 350



CONEJO VALLEY UNIFIED SCHOOL DISTRICT

Impermissible Fees and Charges (continued)

Impermissible Charge	Authority/Explanation
CAHSEE Intensive Instruction and Services	California Constitution, article IX, § 5 Hartzell v. Connell (1984) 35 Cal. 3d 899 Cal. Code Regs., Title. 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.)
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., Title. 5, § 350 CDE Fiscal Advisory 97-02 CDE Fiscal Advisory 11-01
Adults taking classes for high school credit and who have not obtained a high school diploma	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.)
*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.	California Constitution, article IX, § 5 Hartzell v. Connell (1984) 35 Cal. 3d 899 Cal. Code Regs., Title. 5, § 350



Student Fees FAQs (Frequently Asked Questions)

Question:

May a school, booster club or parent support group 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, booster club or parent support group 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 event 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.



CONEJO VALLEY UNIFIED SCHOOL DISTRICT

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. Furthermore, the free uniform must be substantially the same uniform as those which 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. However, Spirit Packs *may be sold*. The rule of law is that a school 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:

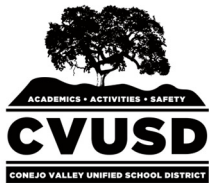
May a school charge fees for things?

Answer:

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

Continued...



CONEJO VALLEY UNIFIED SCHOOL DISTRICT

- 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.
- Fees for school camp programs, such as Outdoor School, 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 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, and activity or the use of hazardous substances likely to cause injury to the eyes.



CONEJO VALLEY UNIFIED SCHOOL DISTRICT

Question:

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

Answer:

No. ASB stickers/cards are optional items 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 other clubs 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:

Does the student fees policy apply to club sports? Our district does not fund club sports. Club coaches are finger-printed 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:

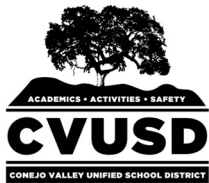
School-associated club sports are extracurricular activities and, therefore, subject to the same fee limitations as any other extracurricular activity. Funding must be through donations, not mandatory fees.

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 Director, Secondary Education for guidance and support with responses to school-specific questions about student fees, charges, deposits, donations and fundraising.



CONEJO VALLEY UNIFIED SCHOOL DISTRICT

Guidelines for Donations and Fundraising

Donations:

As is referenced above, 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 voluntary.

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 is 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. Examples include, but are not limited to: a specified minimum amount of a donation, a day 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 to be avoided, and 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.

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, in the same way attendance at practices, games, rehearsals or performances are 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, 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.

Revised: 09/2017



CONEJO VALLEY UNIFIED SCHOOL DISTRICT



CALIFORNIA
DEPARTMENT OF
EDUCATION

TOM TORLAKSON
STATE SUPERINTENDENT OF PUBLIC INSTRUCTION

FISCAL MANAGEMENT ADVISORY 15-02

DATE: May 29, 2015

TO: County and District Superintendents
Charter School Administrators

FROM: Nick Schweizer, Deputy Superintendent
Services for Administration, Finance, Technology, and Infrastructure

SUBJECT: Pupil Fees, Deposits, and Other Charges:
Preparation for 2015–2016 School Year

Since January 1, 2013, persons have been able to file a complaint relating to unauthorized pupil fees with the principal of a school pursuant to the local educational agency's (LEA) Uniform Complaint Procedures, and to appeal the LEA's decision to the California Department of Education (CDE). The CDE's guidance on pupil fees is available at <http://www.cde.ca.gov/re/lr/fm/>.

As the 2015–2016 school year approaches, the CDE recommends that school districts, county offices of education, and charter schools take the following steps in order to ensure compliance with pupil fee laws:

1. Review the CDE's Fiscal Management Advisory guidance;
2. Provide additional training to administrators, teachers, and staff to ensure compliance with pupil fee laws;
3. Remind teachers to update Web sites and course syllabi to ensure compliance with pupil fee laws; and
4. Remind athletic coaches and other extracurricular activity advisors to update policies, Web sites, and written handouts to ensure compliance with pupil fee laws.



CONEJO VALLEY UNIFIED SCHOOL DISTRICT

Monitoring Student Fees, Donations, and Fundraising Guidelines Compliance

Date: September 12, 2017

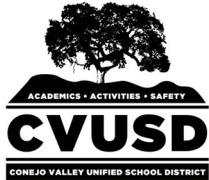
Section 5 of Article IX of the State of California Constitution guarantees students a “free public education.” The State Supreme Court concluded in the 1984 case of *Hartzell v. Connell* (35 Cal.3d.899 (1984)), “that all educational activities carried on by public school districts, extra-curricular as well as curricular, must be without cost to the students who participate in such activities.” This same ruling found that “mandatory fees for participating in such extra-curricular activities as drama, music, and athletic competition were illegal under the State Constitution.” Furthermore, they also rejected the argument that “fees could be charged so long as the district waived fees for students who were financially unable to pay.”

The school principal is responsible for informing the school staff, students, parents, and community of this right, and for ensuring that all written and oral communications reflect this right.

I, _____, principal of
_____ School, confirm that I have:

- Met with all faculty and staff to review, discuss, and respond to questions regarding compliance with the guarantee of a “free public education.” (A list is on file of those in attendance and the dates of such meetings.)
- Reviewed the school website for compliance with the guarantee of a “free public education.”
- Notified parents/guardians via the school newsletter of the guarantee of a “free public education.” (Published in each newsletter.)
- Published a statement in student/parent handbook or information packet stating that fees will not be charged for participating in extra- and co-curricular activities, with the exception of transportation fees.
- Reviewed course syllabi for compliance with the guarantee of a “free public education.”
- Reviewed District course directory to ensure that no course description requires students to purchase materials, supplies, equipment, or uniforms associated with a class with the exception of the materials cost for projects students create and take home.
- Met with the athletic director, coaches for each season of sport, club sponsors, and parent organizations and foundations to review guidelines for providing a “free public education.” (Agendas are kept denoting item.)

Please submit completed form to the Director of Secondary Education by the 3rd week of September.



CONEJO VALLEY UNIFIED SCHOOL DISTRICT

PARENT SUPPORT/BOOSTER ORGANIZATION APPLICATION FOR REAUTHORIZATION – YEAR 2017/2018

Name of Organization: _____ No. of students served by club _____

Booster Club Taxpayer Identification Number: _____ Club President verified that
Booster Club Taxpayer ID provided on this application shows that "Registration Status is Current" on the
California State Attorney General's Registry of Charitable Trust website at
<http://rct.doj.ca.gov/MyLicenseVerification/Search.aspx?facility=Y> _____ **(President, Please
Initial)**

Current Officers: NAME ADDRESS CITY ZIP PHONE

President/Chair: _____

President's email address: _____

Vice Pres./Chair: _____

Secretary: _____

Treasurer: _____

Treasurer's email address: _____

Since the last approval:	<u>YES</u>	<u>NO</u>
Has the organization changed 501c3 status?	_____	_____
Have the audit procedures changed?	_____	_____
Has the Constitution been amended?	_____	_____
Have the Bylaws been amended?	_____	_____
Did the organization directly pay wages to <u>anyone</u> since last November?	_____	_____
Will the organization ask the District to hire or pay wages to anyone?	_____	_____
Does the organization have any unpaid debts or loans?	_____	_____

Note: Booster clubs are not permitted to hire or pay wages to anyone directly.

**ATTACH the following items and submit to the school principal (CLUBS MUST USE CVUSD
FINANCIAL STATEMENT, PROPOSED BUDGET & AUDIT REPORT FORMS provided)**

- Annual Financial Statement for July 1, 2016 through June 30, 2017, including beginning balance, specific actual income & expenses, and ending balance.
- Annual Proposed Budget for July 1, 2017 through June 30, 2018, including beginning balance, specific projected income & expenses, and ending balance.
- Annual Audit Report and copies of corresponding Checking and Savings Account Bank Statements covering periods of July 1, 2016 and June 30, 2017 for all of your booster club accounts. **Please include copies of the cancelled checks written by the club when you submit your statements.**

Continued on reverse...



CONEJO VALLEY UNIFIED SCHOOL DISTRICT

PARENT SUPPORT/BOOSTER ORGANIZATION APPLICATION FOR REAUTHORIZATION – YEAR 2017/2018

- Booster Club meeting Minutes that document approval of the Annual Proposed Budget (highlighted)
- One copy of the booster clubs 2016 Federal and State tax forms.
- One copy of Booster Club's Bylaws (bylaws must specify that all members have voting rights)

I understand and agree that all officers of this booster club are expected to:

- (1) Appropriately support all staff who have responsibility for the program or activity being supported by this booster club,
- (2) Appropriately support all student participants,
- (3) Promote appropriate, supportive behavior and sportsmanship among all members of the booster club, and
- (4) Adhere to all regulations pertaining to AB 1575 (Student Fees) (**see below***)

***Section 5 of Article IX of the State of California Constitution guarantees students a “free public education.”** The State Supreme Court concluded in the 1984 case of Hartzell v. Connell (35 Cal.3d.899 (1984)), “that all educational activities carried on by public school districts, extra-curricular as well as curricular, must be without cost to the students who participate in such activities.” This same ruling found that “mandatory fees for participating in such extra-curricular activities as drama, music, and athletic competition were illegal under the State Constitution.” Furthermore, they also rejected the argument that “fees could be charged so long as the district waived fees for students who were financially unable to pay.”

I have examined this application and have been advised on AB 1575 regulations by site administration.

To the best of my knowledge this application is accurate and complete.

Date **President's Signature** Name (typed or printed)

Date **Treasurer's Signature** Name (typed or printed)

School Use:
I support this Application for Reauthorization:

Date **Principal's Signature**

Date **Director's Signature**

District Office Personnel:
Has the booster club paid all prior year(s) obligations to CVUSD in full?
Yes ___ No ___
Employee's Initials: _____

**FORWARD *SIGNED* PACKET TO THE DIRECTOR OF ELEMENTARY OR SECONDARY EDUCATION
BY November 1, 2017**