

Central Unified School District



Fees, Charges, Donations and Fundraising Guidance Manual

April 2013

TABLE OF CONTENTS

Introduction.....	1
Legal Overview.....	2
A. The Constitutional Free School Guarantee and <i>Hartzell v. Connell</i>	2
B. Title 5, section 350, of the California Code of Regulations.....	2
C. Assembly Bill 1575.....	2
D. Voluntary Donations and Fundraising	3
E. Charges for Non-educational Activities	4
F. Uniform Complaint Procedures.....	4
Best Practices.....	5
General Fees, Charges, Donations and Fundraising Guidance Chart	6
A. General Rules	6
B. Permissible Fees and Charges	9
C. Impermissible Fees and Charges	16
Specific Areas of Interest.....	19
A. Athletics and Sports Programs	19
1. General Participation Charges	19
2. Uniforms	19
3. Spirit Packs	20
B. Classroom Supplies	20
C. Choir/Band Instruments and Uniforms	21
D. Field Trips and Excursions	22
1. Trips Related to the Educational Program and Curriculum.....	22
2. Recreational, Non-Educational Trips and Excursions	22
E. Graduation Caps and Gowns	22
F. Imposition of Charges for Lost, Stolen, Damaged and Unreturned Property	22
G. Lab Classroom Supplies.....	23
H. Pep and Cheer	23
I. Physical Education Uniforms	23
J. Physical Examinations	24
K. Science Camp	24
L. Student Identification and Student Body Cards	25
M. Workshop Course Supplies and Direct Cost of Fabrication.....	25
Frequently Asked Questions	27

TABLE OF CONTENTS (CONTINUED)

Donation Guidelines and Donation Acknowledgment/Acceptance Letter	32
A. Elements of a Donation	32
B. Refunding of Gifts	32
C. Documentation of Gifts	32
D. Form A—Donation Acknowledgement/Acceptance Letter	33
Approved Template Forms and Letters	34
Form B—Classroom Supplies Donation Solicitation Letter	35
Form C—Workshop Supplies Donation Solicitation Letter	36
Form D—Direct Costs Purchase and Fabrication Fee Form (Option 1)	37
Form E—Direct Costs Purchase and Fabrication Fee Form (Option 2)	39
Form F—Uniform Loan Form	42
Form G—Uniform Purchase Agreement Form	43
Form H—Field Trip Fee Letter	44
Form I—Sports/Other Programs Donation Solicitation Letter	46
Form J—P.E. Clothes Informational Letter	48

Introduction

The Central Unified School District's *Fees, Charges, Donations and Fundraising Guidance Manual* sets forth information, general guidelines and procedures regarding permissible and impermissible fees and charges, donation practices, and fundraising. This guidance is provided by the District for purposes of ensuring compliance with California law regarding the imposition of fees and charges, solicitation of donations, and fundraising by California public schools.

The District's intent is to ensure our families and the Central community understands how they can best support the programs in which their children participate. Clear communication from all District sources as they pertain to fees, donations and fundraising is essential. Several approved template forms and letters are included in the manual for use by District administrators, school sites, coaches, and teachers, to assist in developing letters and flyers to use for your school site, classroom, activity, program, or sport. Any written communication on this subject must be approved by your school site principal prior to distribution.

If you have any questions regarding student fees, charges, deposits, donations, or fundraising, or any other issues related to that covered in this manual, please contact your school site principal or the Director of Elementary and/or Secondary Education.

Legal Overview

A. The Constitutional Free School Guarantee and *Hartzell v. Connell*.

The California Supreme Court has held that 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 site's educational program. (Cal. Const., art. IX, § 5; *Hartzell v. Connell* (1984) 35 Cal.3d 899, 905, 911.)

In *Hartzell*, the California Supreme Court considered for the first time the issue of the free school guarantee in the context of whether a school district could charge students fees for participating in educational activities that the district considered extracurricular. There, the district adopted a plan to maintain its athletic and band programs by charging a fee for each student who wanted to participate in those extracurricular activities. The district also had a policy for financial hardship waivers for those students who could not afford the fees. The Court invalidated the district's student fee structure, concluding that, "the free school guarantee extends to all activities which constitute an 'integral fundamental part of the elementary and secondary education' or which amount to 'necessary elements of any school's activity.'" The Court reasoned that extracurricular offerings, such as sports and band fall within the Constitutional free school guarantee as part of a school district's educational program and offerings, and that a hardship waiver process does save the illegality of fees and charges for such educational offerings.

B. Title 5, section 350, of the California Code of Regulations.

In addition to the Constitutional bar to the charging of fees to students, the California Code of Regulations, title 5, section 350 ("title 5, section 350"), entitled "Fees Not Permitted," directs: "A pupil enrolled in a school shall not be required to pay any fee, deposit, or other charge not specifically authorized by law." This provision is read to allow for the imposition of a fee or charge to a student *only when* it is statutorily authorized. There are a number of such statutory authorizations in the Education Code addressed in this manual.

C. Assembly Bill 1575.

Assembly Bill 1575 ("AB 1575" Article 5.5, §§ 49010 et seq.) was chaptered into law on September 29, 2012 and became effective January 1, 2013. AB 1575 is declarative of existing law and is not to be interpreted to prohibit the imposition of a fee, deposit or other charge that is otherwise allowed by law. (Ed. Code, § 49011, subd. (e).) Thus, school districts may continue to impose a fee, deposit, charge specifically authorized by existing law, as well as continue lawful activities regarding the solicitation of voluntary donations and fundraising. (See Cal. Code Regs., tit. 5, § 350; Ed. Code, § 49011, subd. (c).)

AB 1575 adds Education Code sections 49010, 49011, 49012 and 49013, as well as amends Government Code section 905. Section 49010 establishes a statutory framework governing the scope and nature of the free school guarantee in California's K-12 public schools, principles largely derived from the California Supreme Court's decision in *Hartzell v. Connell* (1984) 35 Cal.3d 899. Section 49010 defines "educational activity," for which no pupil fees may be charged. This section also defines a "pupil fee" as "any fee, deposit or other charge that a pupil or a pupil's parent or guardian are required to pay in violation of new Education Code section 49011 and article IX, section 5 of the California Constitution." The referenced laws require K-12 public schools to offer educational activities to students and their families free of charge, and under such laws a "fee waiver" or "scholarship" program cannot cure unlawful pupil fees. Within this broader definition, section 49010, subdivision (b)(1)-(3), specifies that a "pupil fee" includes:

- A fee charged to a pupil as a condition for registering for school or classes, or as a condition for participation in a class or an extracurricular activity, regardless of whether the class or activity is elective or compulsory, or is for credit;
- A security deposit, or other payment, that a pupil is required to make to obtain a lock, locker, book, class apparatus, musical instrument, uniform, or other materials or equipment; and
- A purchase that a pupil is required to make to obtain materials, supplies, equipment, or uniforms associated with an educational activity.

D. Voluntary Donations and Fundraising.

AB 1575 adds section 49011, subdivision (c), which reaffirms existing law under which schools' solicitation of voluntary donations and voluntary fundraising activities by pupils or their parents or guardians is lawful. Thus, the District may continue to solicit voluntary donations; *voluntary donations* to support District programs by their very definition are contributions that are not mandatory fees, charges or deposits, and therefore do not offend the Constitutional free school guarantee or title 5, section 350. Further, the Education Code clearly envisions that voluntary donations to support the District and its programs are lawful. (See Ed. Code, §§ 41032, subd. (a), 41037, 51520 and 51521,)

The ability to accept and the statutory authority for accepting voluntary donations from students and their families have been reaffirmed by the California Attorney General. (See 81 Ops. Cal. Atty. Gen. 153 (1998).) Consistent with this authority, the District's Board Policies 1260 and 3290 account for the propriety and viability of solicitation and receipt of voluntary donations.

As a result, 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.

E. Charges for Recreational, Non-educational Activities.

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). Additionally, the District and its programs may impose a charge for offerings that are not integral to the District's educational program (e.g., for spectators travel to athletic events, entry fees for school dances, or recreational trips unrelated to the school curriculum such as to amusement parks).

F. Uniform Complaint Procedure.

Pursuant to AB 1575 the District adopted policies and procedures which allow complaints to be filed using the Uniform Complaint Procedures when the District is alleged to have impermissibly required students to pay fees, deposits, or other charges as defined in Education Code section 49010. (Ed. Code § 49013; Cal. Code Regs., tit. 5, §§ 4600 et seq.) Such policies and procedures went into place on or before March 1, 2013.

Best Practices

With the applicable legal limitations to, and framework for, the imposition of student fees, charges, and deposits, the proper bases for solicitation and acceptance of donations, and conducting of fundraising efforts, the following are general best practices and guidelines for District administrators to consider when addressing student fee-related issues:

- Assume a potential fee is improper as a starting point, and work backwards to see if the program or activity for which the fee is requested is “non-educational” and/or whether a specific statutory exception applies that allows for the imposition of a fee;
- Fundraising is always an option to offset costs for a program or activity;
- While District administrators may encourage students to fundraise, they cannot expressly or implicitly require students to do so as a condition to participation in a school program or activity;
- Participation in a program fundraising event (e.g., spaghetti feed or car wash), as part of a membership of a team or program, may be expected by a coach or program leader, but students cannot be expected to meet any specific monetary goal in relation to that event or be required to attend the event if otherwise unable;
- Donations are permissible, and may be encouraged;
- All requests for voluntary contribution should expressly indicate the voluntary nature of any requested donation and the qualification that failure to donate at all or to certain levels does not impact a student’s right to participate and/or the student’s grade; and
- Fundraising and donation goals should be “class,” “program,” or “team”-based, not individually based.

General Fees, Charges, Donations and Fundraising Guidance Chart

The following chart is intended to assist administrators and District employees with addressing and analyzing day-to-day student fee, donation and fundraising questions that arise, and covers a wide range of student fee issues.

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 <i>Hartzell v. Connell</i> (1984) 35 Cal.3d 899 Cal. Code Regs., tit. 5, § 350
For purposes of "educational activities" for which student fees, charges and deposits cannot be imposed, such activities include "an activity offered by a school, school district, charter school, or county office of education that constitutes an integral fundamental part of elementary and secondary education, including, but not limited to, curricular and extracurricular activities."	Ed. Code, § 49010, subd. (a) (AB 1575)
Prohibited fees, charges and deposits include, but are not limited to: (1) A fee charged to a pupil as a condition for registering for school or classes, or as a condition for participation in a class or an extracurricular activity, regardless of whether the class or activity is elective or compulsory, or is for credit. (2) A security deposit, or other payment, that a pupil is required to make to obtain a lock, locker, book, class apparatus, musical instrument, uniform, or other materials or equipment.	Ed. Code, § 49010, subd. (b)(1)-(3) (AB 1575)

<p>(3) A purchase that a pupil is required to make to obtain materials, supplies, equipment, or uniforms associated with an educational activity.</p>	
<p>Under the free school guarantee AB 1575:</p> <p>(1) All supplies, materials, and equipment needed to participate in educational activities shall be provided to pupils free of charge.</p> <p>(2) A fee waiver policy shall not make a pupil fee permissible.</p> <p>(3) School districts and schools shall not establish a two-tier educational system by requiring a minimal educational standard and also offering a second, higher educational standard that pupils may only obtain through payment of a fee or purchase of additional supplies that the school district or school does not provide.</p> <p>(4) A school district or school shall not offer course credit or privileges related to educational activities in exchange for money or donations of goods or services from a pupil or a pupil's parents or guardians, and a school district or school shall not remove course credit or privileges related to educational activities, or otherwise discriminate against a pupil, because the pupil or the pupil's parents or guardians did not or will not provide money or donations of goods or services to the school district or school.</p>	<p>Ed. Code, § 49011, subd. (b)(1)-(4) (AB 1575)</p>
<p>Fees and charges are permissible where specifically provided for by the Education Code.</p>	<p>Cal. Code Regs., tit. 5, § 350 Ed. Code, § 49011, subd. (e) (AB 1575)</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 are not made mandatory 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 Ed. Code, § 49011, subd. (c) (“AB 1575”) 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 <i>Hartzell v. Connell</i> (1984) 35 Cal.3d 899</p>

B. Permissible Student Fees and Charges.

Permissible Charge	Authority
Fabrication-Purchase Fees	<p>Ed. Code, § 17551</p> <p>(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>(A “direct costs, fabrication purchase fee” <i>should not</i> be imposed for projects that are perishable, e.g., food in a cooking/home economics course or a flower bouquet in a horticulture course.)</p>
Charge for damaged school property or failure to return school property on loan to student	<p>Ed. Code, § 48904, subd. (b)(1)</p> <p>(Note the following points under this provision:</p> <p>1. Section 48904 allows for imposition of a charge where District 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....”</p> <p>2. After a student/student’s family has been asked to pay the relevant charge for damaged or lost school property, the student’s family may pay the charge or complete a voluntary work program in lieu of paying the charge.</p>

	<p>3. If a the required charge is not paid, the District may withhold the grades, diploma, and transcripts of the pupil responsible for the damage or loss, so long as the student is afforded the same procedural due process rights as received in an expulsion hearing under Education Code section 48918 before the withholding, and until the pupil or the pupil's parent or guardian has paid for the damages.)</p>
<p>Field Trip Fees</p> <p>(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)</p>	<p>Ed. Code, § 35330</p> <p>(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>)</p>
<p>Transportation Fees for transporting students to and from school, or between school and occupational training courses</p>	<p>In <i>Arcadia Unified School District v. State Dept. of Ed.</i> (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 39807.5 were permissible.</p> <p>(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>

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 . . .").
Parking Fees	Consistent with the ruling in <i>Arcadia Unified School District v. State Dept. of Ed.</i> (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	Ed. 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	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).
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	Gov. Code, § 6253 (The charge is limited to the direct costs of duplication).
Copies of student records	Ed. Code, § 49065 (Current students may be required to pay the direct costs for furnishing of copies of any student record. <i>Note, this charge does not apply and is impermissible</i> where a <i>former</i> student seeks up to two copies of transcripts, as the statute provides that "no charge shall be made for furnishing . . . up to two transcripts of former pupil's records")
School Curriculum Prospectus	Ed. 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	Ed. Code, § 38119
Library late fees or fines	Ed. Code, §§ 48904, 19910, 19911
Fees for Advanced Placement and International Baccalaureate Diploma examinations	CDE Fiscal Management Advisory 11-01 (“CDE Fiscal Advisory 11-01”) <p>(“So long as (1) taking the exam is not a course requirement; (2) the exam results have no impact on a pupil's grade or credit in a course; and (3) eligible economically disadvantaged high school pupils who receive school district funding towards the exam fee shall pay \$5.00 of the fee. (Ed. Code sections 52240-52244; 52920-52922.)”)</p>
Workbooks or other instructional packets, if such materials are also available free of costs, under specific conditions	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.)
Food Sold at School	Ed. Code, § 38084 <p>(This is limited by and subject to free and reduced price meal program eligibility and other restrictions specified in law).</p>
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)

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 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	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 the failure to wear the uniform arises from circumstances beyond the student’s control).

<p>Adult education classes in English and citizenship for foreigners or a adult classes in an elementary subject</p> <p><i>Effective January 1, 2012 until July 1, 2015</i></p>	<p>Ed. Code, § 52612 Cal. Code Regs., tit. 5, § 350</p>
---	---

C. Impermissible Fees and Charges.

Impermissible Charge	Authority/Explanation
Instructional Materials	<p>Ed. Code, § 60070</p> <p>(“No school official shall require any pupil . . . to purchase any instructional material for the pupil’s use in the school.”).</p>
Necessary School Supplies	<p>Ed. Code, § 38118</p> <p>(“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.”).</p> <p>Ed. Code, § 49011, subd. (b)(1) (AB 1575)</p> <p>(“All supplies, materials, and equipment needed to participate in educational activities shall be provided to pupils free of charge.”)</p>
Band instruments, band and choir uniforms	<p>Ed. Code, § 38111</p> <p>Ed. Code, § 49011, subd. (b)(1) (AB 1575)</p> <p>(“All supplies, materials, and equipment needed to participate in educational activities shall be provided to pupils free of charge.”)</p> <p>(There is an exception to this rule discussed above in Permissible Fees for purposes of excursions to foreign countries.)</p>
Athletic, cheer or like uniforms	<p>Ed. Code, § 38111</p> <p>Ed. Code, § 49011, subd. (b)(1) (AB 1575)</p> <p>(“All supplies, materials, and equipment needed to participate in educational activities shall be provided to pupils free of charge.”)</p>

Participation in any District or school site athletic or other extracurricular offering such as band, choir, or drama	California Constitution, article IX, § 5 <i>Hartzell v. Connell</i> (1984) 35 Cal.3d 899 Cal. Code Regs., tit. 5, § 350 Ed. Code, §§ 49011-10 (AB 1575)
Student body membership fees as a condition for enrollment or participation in curricular or extracurricular activities sponsored by the school	California Constitution, article IX, § 5 <i>Hartzell v. Connell</i> (1984) 35 Cal.3d 899 Cal. Code Regs., tit. 5, § 350 CDE Fiscal Advisory 97-02 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, or a lodging fee (See permissible fees for Advanced Placement and International Baccalaureate Diploma examinations listed above.)	<i>Hartzell v. Connell</i> (1984) 35 Cal.3d 899 Ed. Code, §§ 49011-10 (AB 1575) Cal. Code Regs., tit. 5, § 350 CDE Fiscal Advisory 97-02 CDE Fiscal Advisory 11-01
CAHSEE Intensive Instruction and Services	California Constitution, article IX, § 5 <i>Hartzell v. Connell</i> (1984) 35 Cal.3d 899 Ed. Code, §§ 49011-10 (AB 1575) Cal. Code Regs., tit. 5, § 350 Ed. Code, § 37254 (The bar to 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 <i>Hartzell v. Connell</i> (1984) 35 Cal.3d 899 Ed. Code, §§ 49011-10 (AB 1575) Cal. Code Regs., tit. 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	<p>Ed. Code, § 52612</p> <p>(“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 . . .”)</p> <p>(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.)</p>
Adult education classes in English and citizenship for foreigners or a class in an elementary subject	<p>Ed. Code, § 52612</p> <p>(There is a small exception to this limitation under Education Code section 52613, which is discussed above under Permissible Fees).</p>
<p>Adult education classes in English and citizenship for foreigners</p> <p><i>Effective until December 31, 2011, and then again after July 2, 2015</i></p>	<p>Ed. Code, § 52612</p> <p>(There is a small exception to this limitation under Education Code section 51613, which is discussed above under Permissible Fees.)</p>
* <i>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.</i>	<p>California Constitution, article IX, § 5</p> <p><i>Hartzell v. Connell</i> (1984) 35 Cal.3d 899</p> <p>Cal. Code Regs., tit. 5, § 350</p>

Specific Areas of Interest

The following addresses specific areas of interest relevant to District programs and activities, and are arranged in alphabetical order.

A. Athletics and Sports Programs.

1. General Participation Charges.

Students cannot be charged a fee to participate in extracurricular athletic activities. It is permissible for athletic programs to seek to raise funds for the costs associated with their programs through voluntary donations or other fundraising efforts. Please refer to Form I—Template Sports Program (or Other Program) Donation Solicitation Letter. (Ed. Code, § 49011, subd. (c).)

2. Uniforms.

As with choir and band (discussed below), Education Code section 38111 provides, in relevant part:

The governing board of each school district shall, except as otherwise provided in this code, purchase school furniture, including . . . apparatus, and such other articles as are necessary for the use of schools, and may, in its discretion, purchase uniforms . . . and equipment necessary for the use of athletic teams.

(Emphasis added.) Under this provision, to the extent the District, in its discretion, elects to operate sports programs and otherwise requires uniforms in such programs, the District is obligated to provide necessary attire and equipment for same not otherwise voluntarily purchased by students. (Ed. Code, §§ 49010, subd. (b), 49011.)

Forms for the loan or purchase of uniforms accompany this memorandum, Form F—Uniform Loan Form, and Form G—Uniform Purchase Agreement, may be utilized to allow students to elect whether they intend to borrow or purchase their team uniform. If a uniform is borrowed, the student and his or her family agree to be responsible for damage caused to the uniform or failure to return the uniform consistent with Education Code section 48904. If the student and his or her family agree to purchase the uniform or pieces to same, the uniform becomes the student's personal property.

In terms of hats and other supplemental elements to school athletic team uniforms, to the extent they are required as part of a team's uniform, the District cannot require the student to pay for same. This is so even if the particular piece of the uniform will be not be returned, e.g., a baseball cap at the end of a season. Uniforms such as swimsuits and wrestling suits that are loaned and then returned should be thoroughly cleaned by the District by a professional cleaner for use during the coming season by those students that do not desire to purchase their own uniform as personal property.

3. Spirit Packs.

So long as the purchase of “spirit packs” (i.e., motivational practice apparel sold for purposes of programmatic fundraising) by students is purely voluntary, the sale of spirit packs in relation to athletic programs is lawful. For those students that do not purchase the spirit pack, team coaches may still require students to wear practice-appropriate attire (e.g., shorts and t-shirt for basketball practice).

B. Classroom Supplies.

AB 1575 specifically prohibits the imposition of a fee for “all supplies, materials, and equipment needed to participate in educational activities.” (Ed. Code, § 49011, subd. (b)(1).) This is consistent with previously existing law—California Code of Regulations, title 5, section 350 (“title 5, section 350”), prohibits assessing a fee, charge or deposit that is not expressly authorized by statute, and Education Code section 38118, expressly provides that students cannot be required to purchase necessary classroom materials. Section 38118 states: “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.” (Emphasis added.) This means that *any* materials and supplies required for a class and school in general must be provided to students without charge by the District. The bar against requiring students to purchase supplies necessary for the District’s educational program also affects the ability of schools and teachers to require students to purchase a *required* daily planner, which are offered by individual school sites.

Similarly, if a supplemental workbook containing additional information relevant to the course is required for the class (i.e., it contains additional materials that students must read, or worksheets they must complete), then the school site and/or the District must provide it free of charge. If the student then returns the workbook at the end of the year in a condition exceeding normal wear and tear, then the school site may assess a fee for the replacement of the workbook. (See Ed. Code, § 48904.) Conversely, if the workbook simply contains supplemental material which is not a part of the required course curriculum or does not contain worksheets which will be submitted for a grade, then the school site may assess a fee for the voluntary purchase of such workbooks.

Note, AB 1575 still allows for schools and their programs, including individual classrooms, to solicit voluntary donations of funds or property for support. (See Ed. Code, § 49011, subd. (c).) Thus, schools and classroom teachers may still encourage students and their families to purchase their own supplies (so long as it is made clear that purchase is voluntary and upon a family’s election), and request voluntary donations to classrooms in the form of the desired supplies and/or monetary donations to cover supplies. At all times, communications to students and their families on point must clearly articulate that purchase or provision of such, of monetary contributions for supplies, are *voluntary*. Staff shall use Form B—Classroom Supplies Donation

Solicitation Letter, and Form C—Workshop Supplies Donation Solicitation Letter, for purposes of requesting donations for classroom and workshop supplies.

C. Choir and Band Instruments and Uniforms.

Like necessary classroom supplies, band instruments, band and choir uniforms are specifically addressed in the Education Code. Section 38111 states, in pertinent part:

*The governing board of each school district shall, except as otherwise provided in this code, purchase school furniture, including *musical instruments*, and apparatus, and such other articles as are necessary for the use of schools, and may, in its discretion, *purchase uniforms and other regalia for the use of school bands, orchestras and choirs**

(Emphasis added.) Under Education Code section 38111, the District is responsible for the purchase of choir and band instruments, and uniforms. The express responsibility of school districts for this obligation necessarily infers that there is no specific statutory authority that would allow districts to require students to pay a fee or incur costs for such items under title 5, section 350.

The only exception to this provision is under Education Code section 38120, which authorizes the District to require a fee or deposit for band instruments, music and uniforms when loaned to “members of the school band *for use by them on excursions to foreign countries* whether or not such an excursion is sanctioned by the governing board.” (Emphasis added.)

Thus, under the free school guarantee and the Education Code, in theory, the District should maintain sufficient instruments for all band participants, should students decide not to rent or purchase their own instruments. As such, the District may encourage students to rent or purchase their own instruments, but the District’s schools must also have enough instruments on hand (purchased through boosters or directly through program fundraising) to provide instruments to those students who choose not to rent or purchase their own.

In terms of uniforms for choir and band members, again, the District is obligated under the free school guarantee and Education Code section 38111 to provide uniforms for its band and choir members, in the event the District determines that it will require uniforms for such programs. The Education Code thus envisions that the District’s schools will have uniforms on hand for choir and band members, and students will borrow those uniforms on an annual basis. For purposes of addressing this issue, please refer to Form F—Uniform Loan Form, and Form G—Uniform Purchase Agreement.

D. Field Trips and Excursions.

1. Trips Related to the Educational Program and Curriculum.

Implicit under Education Code section 35330, District schools may charge students for field trips. The ability to impose a field trip fee (for transportation and other direct costs of the field trip like admission charges), Education Code section 35330 prohibits the exclusion of students from the field trip for failure to pay the fee. Thus, while a fee may be imposed, it is not mandatory, and students cannot be prohibited from attending or participating in a field trip, or face any other adverse consequences, for failure to pay a field trip fee. For purposes of curricular- and course-related field trips, staff shall use Form H—Field Trip Transportation Fee & Donation Solicitation Letter.

2. Recreational, Non-Educational Trips and Excursions.

The norm around the State is that students graduating from high school or middle school are given the opportunity to participate in an end-of-year, non-educational, recreational trip. Based upon existing law, requiring students to pay for the costs of such trips (including transportation) is lawful; such non-educational, recreational trips are not an integral part of the District's educational program, and in no way impact a student's grades or ability to participate in other activities such as commencement.

E. Graduation Caps and Gowns.

While there exist permissible bases upon which to impose a fee or deposit in relation to graduation caps and gowns, please contact the Site Principal regarding the District's practice and policy relating to same.

F. Imposition of Charges for Lost, Stolen, Damaged and Unreturned Property.

Education Code section 48904 provides:

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).

(Ed. Code, § 48904, subd. (b)(1), emphasis added.) Generally, under this statute, the District may impose monetary sanctions when the District's "real or personal property has been willfully cut, defaced, or otherwise injured [by a student] . . ." or where the District's "property is loaned to a pupil and willfully not returned upon demand of an employee of the District"

G. Lab Classroom Supplies.

As noted above, under AB 1575 and Education Code section 38118, the District may not assess a fee for materials that students use in class, including classes that involve labs such as science. (Ed. Code, § 49011, subd. (b)(1).)

H. Pep and Cheer.

Just like student athletes, or student-members of school bands or choirs, students on pep and cheer teams cannot be required to pay a fee, or incur a charge, for pep and cheer uniforms. Nor may students be required to incur any other cost to participate in the pep and cheer program.

Pep and cheer, like band, choir, and athletics, are a part of the District’s extracurricular offerings, i.e., what *Hartzell* defines and characterizes as a matter of law, an “integral” part of the District’s educational program. As such, participation in pep and cheer are covered by the free school guarantee, and students cannot be required to pay fees or incur other costs to participate. (Ed. Code, §§ 49010, subd. (b); 49011.) Like band, choir, and athletic uniforms, the best model is for school sites to maintain an inventory of uniforms, and on a yearly basis students participating in pep and cheer can elect to borrow or purchase their uniform as their own personal property through use of Form F—Uniform Loan Form, and Form G—Uniform Purchase Agreement, included herein. School sites can recoup in full the costs for uniforms purchased by students, and can seek to recoup such costs under Education Code section 48904 from students that borrow a uniform but either fail to return the uniform or return the uniform in damaged condition.

I. Physical Education Uniforms.

The law on P.E. uniforms, based upon guidance by the CDE and the CDE’s interpretation of Education Code sections 38118 and 49066, is as follows:

- Schools may require students to wear standardized clothing for P.E., including clothing of a specific color and design, suitable for general wear outside of school (clothes of “general design”).
- Schools may sell the standardized general design P.E. clothing to students.
- If schools require students to wear clothing for P.E. with specifications beyond general design, i.e., clothing with school names or logos, schools must provide such clothing to students for free. Once a school requires clothing with school-specific identification, the required attire goes beyond general design clothing for general wear outside of school and is considered a “necessary school supply” that the District must provide free of charge.
- Regardless, a student’s inability to afford the purchase of standardized P.E. clothing cannot affect the student’s grade.

Based on these applicable laws, District school sites may impose a general design requirement for P.E. clothing (design and color only), for tops, bottoms, and socks. School sites can also require students to wear appropriate footwear, e.g., no sandals or other open-toed footwear. Students should be allowed to purchase such general design P.E. clothing from the school, *or through other means*. Students who cannot afford the general design P.E. clothing should be provided the clothing free of charge while assuring confidentiality in the student's request. Such a requirement takes the required P.E. clothes out of the general design category into the "necessary school supply" category. (See Ed. Code, §§ 38118, 49066; Cal. Code Regs., tit. 5, § 350; CDE Fiscal Management Advisory 97-02.)

It is a common practice to require students to write their names on their P.E. clothes in order to avoid theft. Unless the school provides P.E. clothes to students free of charge, however, schools cannot *require* students to write school names or logos *on the outside of their P.E. clothes*. Despite these limits, the intent of this practice can still be accomplished in one of two ways. First, students can be required to write their names on the tags of their clothing, a location that will not require students to write their names so that they are visible on the outside of their clothing. Second, school sites can inform students that theft of P.E. uniforms is an issue of concern and, if students desire to do so, they may voluntarily write their names on their P.E. clothing so that it is more visible on the outside of their P.E. uniforms.

Finally, a student's grade cannot be impacted by the student's inability to obtain a required P.E. uniform based upon factors beyond his or her control (e.g., inability to afford the purchase of a P.E. uniform). However, school sites can mark down a student's grade if that student *has a P.E. uniform* and does not suit-up. (Ed. Code, § 49066, subd. (c) ["No grade of a pupil participating in a physical education class, however, 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.*"], emphasis added.)

J. Physical Examinations.

Between Education Code section 49450 et seq. and California Interscholastic Federation (Bylaw 308) requirements, schools routinely require students to obtain a physical examination. Please contact Athletic Director (AD) to discuss the proper procedures applicable to physical examinations and charges related to same.

K. Science Camp.

Education Code section 35335 expressly allows for the imposition of a fee for science camp. However, the fee cannot be mandatory, and a student cannot be denied the opportunity to participate in science camp for nonpayment of the fee. Additionally, the authority to charge a camp fee under section 35335 is specifically limited to science camps as set forth in Education Code section 8760.

L. Student Identification and Student Body Cards.

Student identification cards must be provided to students for free. If a student loses his or her school identification card and requires replacement, he or she may be obligated to pay a charge for the direct costs of providing the replacement. Distinct from identification cards, student body or ASB cards are often sold to students, and students that purchase ASB cards may then enjoy reduced entry fees and other benefits as a result of the ASB card. Sales of ASB cards thus operate as a fundraiser through which students purchase the card to experience other benefits. Sale of ASB cards in this context, as a fundraising activity, is lawful as long as students have discretion whether or not to make the purchase.

M. Workshop Course Supplies and Direct Cost for Fabrication.

As noted, AB 1575 prohibits the imposition of a fee for any supplies, materials and/or equipment needed to participate in educational activities. (See Ed. Code, § 49011, subd. (b)(1).) “Workshop” courses most common at the high school level are woodshop and home economics. Also noted above, AB 1575’s prohibition on the imposition of fees for supplies, materials or equipment needed to participate in educational activities is consistent with existing law. The prohibition under Education Code section 38118 does not bar the solicitation of *voluntary* donations from students and their families to assist in covering costs associated with the course. Rather, like regular classroom supplies, schools and workshop teachers may solicit voluntary donations from students to assist in covering the costs for classroom supplies. (See Form C—Workshop Supplies Donation Solicitation Letter.)

Education Code section 17551 however, gives the District authority under title 5, section 350 to impose a “Direct Cost Purchase and Fabrication Fee.” Section 17551 states:

The governing board of a school district may authorize any officer or employee of the district to sell to any pupil personal property of the district which has been fabricated by such pupil, at the cost to the district of the materials furnished by the district and used therein.

Under this provision, District school sites may charge workshop students a Direct Costs Purchase and Fabrication Fee for the direct costs of the materials necessary to fabricate a project and in order for students to purchase the fabricated projects as their own personal property. This is consistent with AB 1575, which provides that it does not prohibit the imposition of a fee otherwise allowed by law. (See Ed. Code, § 49011, subd. (e).)

Traditional examples of such fabricated projects include a bookcase or other woodwork from a woodshop course or possibly, a vase or other ceramics project requiring clay. The charge which the District may impose is limited to the direct costs for the materials to complete the project. Absent purchase of the project for its direct costs, the school site may keep the project as its own personal property.

For purposes of imposition of a Direct Costs Purchase and Fabrication Fee, staff shall use Form D—Direct Costs Purchase and Fabrication Fee Form (Option 1), and Form E—Direct Costs Purchase and Fabrication Fee Form (Option 2).

Frequently Asked Questions

A. Can a Direct Costs Purchase and Fabrication Fee be charged to students for the food supplies necessary in connection with cooking, home economics or other classes in which food is prepared?

No. Cooking ingredients are “necessary supplies” for purposes of such classes under Education Code section 38118. Such supplies must be provided by the District to students without charge, and are distinct from finished projects “fabricated” in classes like woodshop where a Direct Costs Purchase and Fabrication Fee can be charged for finished, non-perishable products.

B. Do athletic programs need to provide student athletes cleats or other footwear for participation in school sports programs or P.E.?

No. In 1962, the California Attorney General opined that schools were required to supply shoes for students if certain footwear was required for P.E. classes. Although there is no authoritative guidance directly on point, the Attorney General’s otherwise nonbinding opinion is likely inaccurate under current law. Similar to P.E. uniforms (as described in above), schools can require students to wear appropriate footwear for P.E., and so long as the form of shoe required can otherwise generally be used and worn by the student outside of school, the District does not have to cover the costs for such footwear. The same applies to cleats for football, baseball, softball, or track, in that such footwear can also be utilized for such sports outside of school athletic teams.

C. Can schools charge students for a polo shirt for the school golf team, tennis uniforms, or swimsuits necessary for school sports teams?

No. If the specific item of clothing or apparel is required for participation on the school sports team, and even if after the end of the season the school will not be returned the specific item of clothing, the item of apparel must be provided free of charge to students. This said, nothing prohibits sports programs from conducting team fundraisers for purposes of purchasing and replenishing said items of apparel for the next year’s team; or schools must utilize where appropriate Form F—Uniform Loan Form, and Form G—Uniform Purchase Agreement.

D. Can students be charged by the District or schools for taking A.P. exams?

Yes, but it is not the District that is imposing the charge. The A.P. classes themselves taken by students to prepare for A.P. exams are offered by District schools free of charge, as is required by *Hartzell* and the free school guarantee. The charge associated with taking an A.P. exam is a “pass-through” charge, and the monies paid for A.P. exams are ultimately passed on to the College Board. In this sense, although the monies are initially collected by the school or District, it is not the school or the District imposing the charge. Instead, just like school pictures, the District facilitates the payment for and participation in A.P. exams, but the payment is not for the support of District programs, but rather to

an independent third party providing a service or opportunity to students. Keep in mind, however, to the extent a school site requires students to take the A.P. exam in order for the student to obtain A.P. course credits toward graduation from the District, then the charge for the A.P. exam must be covered by the District.

Additionally, the CDE's Fiscal Management Advisory 11-01 regarding student fees states that fees for A.P. and I.B.D. examinations are permissible:

“So long as (1) taking the exam is not a course requirement; (2) the exam results have no impact on a pupil's grade or credit in a course; and (3) eligible economically disadvantaged high school pupils who receive school district funding towards the exam fee shall pay \$5 of the fee. (Ed. Code sections 52240-52244; 52920-52922.)”

E. Can teachers give extra credit to students for donations to the class or participation in fundraising activities?

Generally, this practice should be avoided. To the extent success in a fundraising activity may revolve and depend upon a student's socio-economic status, and therefore give an advantage to certain students, a practice of awarding extra credit for such activities may be unlawful. This said, efforts like canned food drives, where a student receives a minimal extra credit for bringing in an item of canned food, and if the same amount of extra credit is given regardless of the amount of canned food provided, is likely permissible.

Similarly, if a teacher is offering extra credit for attending an event (e.g., a theatrical play), students must be allowed to attend the event for free or the teacher must find a way to cover the students' entry fee. One alternative is for teachers to offer students extra credit on two separate bases, but not for both extra credit opportunities; where both extra credit options are worth the same amount of extra credit. The extra credit option other than the event or activity for which an entry fee is required must be free of charge. Note that even under this alternative model, the practice is subject to scrutiny if both extra credit options are not parallel in the nature of subject matter and difficulty of completion.

F. Are there guidelines on how to manage locks for student lockers under the free school guarantee?

Yes. Assuming locks are required and that the District's school sites already have a sufficient number of locks to sell to students who desire to purchase them, the recommended and most legally compliant practice is to: (1) offer the locks for sale on a voluntary basis for those students who would like to purchase them; and (2) otherwise, loan the locks to students, keeping an inventory of which lock was received by each student, and impose a charge for the direct costs of such locks under Education Code section 48904 if, at the end of the school year or when a student moves onto another site, the lock is not returned, is damaged, or is not returned in working condition.

G. Can students be required to purchase a “promotion t-shirt” to participate in the promotion ceremony?

No. Students cannot be required to purchase a “promotion t-shirt” to participate in a promotion or commencement ceremony. Such t-shirts can be sold as a fundraising activity for the school or student body, but there is no legal authority for requiring the purchase of such a shirt as a condition for participation in promotion or graduation. Please contact the Assistant Superintendent of Executive Services regarding the related issue of graduation caps and gowns.

H. For purposes of requesting parents to donate supplies to classrooms or voluntarily purchase supplies for their students, is use of the terms “suggested supplies” in communications to parents sufficient to comply with the free school guarantee?

Maybe. The recommended practice, even if the supply list is designated as “suggested supplies[,]” is to also include in communications to parents an express statement that purchase of such suggested supplies is voluntary.

I. Are “reward” trips educational field trips or non-educational field trips, and can a fee be charged to attend such trips?

Reward trips to, for example, a water park or Disneyland, are non-educational in nature. Attendance on such trips does not provide for or serve any direct element of the District’s educational program for students. As a result, such trips fit under the “non-educational” field trips framework discussed above, and students may be required to pay a fee to participate in such trips. This said, to the extent that the District, school sites, and/or student bodies can cover the costs of those students who would otherwise be entitled to participate in such reward or non-educational trips but who cannot afford the charge, the recommended practice is to find a way to cover the costs for such students’ participation.

J. If a school site has a limited number of band instruments, is there a lawful method to determine which students are allowed to use the instruments for the school year?

As noted above, the Education Code envisions school sites having an inventory of instruments for students to use for band, so that students are not required to purchase or rent instruments to participate in band class. This said, many students will decide that they want to purchase or rent their own instrument.

Even so, schools will often be faced with a scenario where there are more students that desire to take band (who are not purchasing or renting their own instruments) than the total number of band instruments that the school has on inventory. In this scenario, school sites can comply with the law by using a reasonable, unbiased approach to distribution and allotment of band instruments based upon the same criteria that priority enrollment is normally determined for classes that are at capacity. An example of one

such reasonable method utilized by District schools is basing priority upon the date a student's parent has submitted their registration materials, or a random lottery process to determine distribution of a finite number of band instruments.

K. Can students be required to purchase backpacks?

No. While it may be highly recommended and beneficial to students, students cannot be required to purchase a backpack. If backpacks are *actually required* for a class or at a school, the school or teacher must make backpacks available free of charge for students that do not or cannot purchase their own.

L. How are graphing calculators addressed under the free school guarantee?

Certain math classes may require graphing calculators, such as Algebra. Such calculators can run at fairly high costs. Some students will purchase their own graphing calculator voluntarily. For those students that cannot purchase their own graphing calculators, schools and teachers must ensure that there are a sufficient number and sufficient access to an inventory of graphing calculators that students can access for free, and thus successfully complete required class assignments. Under such a framework, graphing calculators can be checked out from the school library, or from individual teachers, so long as there is sufficient availability and access to same that students are given a fair opportunity to utilize the graphing calculators to successfully complete assignments and succeed in the class. Students that check out graphing calculators and either damage or fail to return same are subject to charges for such damage or loss under Education Code section 48904.

M. Can schools require students or parents to work in lieu of paying a fee, making a donation, or conducting fundraising?

No. To the extent the imposition of the fee or charge on a student is in itself unlawful, the same applies to required assistance or "work" by a student or parent in lieu of payment of the fee. Similarly, students cannot be put to the election of having to choose between fundraising to participate in an activity or paying a flat fee to participate. So long as participation in the activity itself falls under the free school guarantee, both the option of fundraising or making a monetary contribution in support of the activity must be purely voluntary.

N. Can schools require students to pay for or purchase required attire and uniforms for Future Farmers of America?

Yes, for certain portions of the Future Farmers of America ("FFA") uniform, but not for others. Students can be required to pay for and purchase, through the school or otherwise, those items of the FFA uniform that can generally be worn outside of FFA events and competitions, such as the required pants. Students cannot be required to pay for the FFA jacket, which is a required part of the FFA uniform. Similar to P.E. clothes/uniforms that have insignia or other emblems associated with a particular school

or activity and, therefore, are not considered per se viable clothing or attire for students outside of the context in which the attire or uniforms are worn for the school-related program or purpose, the required FFA jackets are particularized to participation in the school's FFA program and FFA in general.

Donation Guidelines and Donation Acknowledgment/Acceptance Letter

A. Elements of a Donation.

Donations are considered gifts based upon three tests:

- (1) The intent on the part of the donor is to make an unconditional gift;
- (2) There is an actual or symbolic delivery to relinquish control of the gift by the donor;
- (3) Acceptance from the donee. This acceptance can be implied (i.e., keeping the gift is considered acceptance). (See Board Policy and Administrative Regulation 3290.)

B. Refunding of Gifts.

When a donation is made for a specific purpose, and that specific purpose is not met such as a trip being cancelled, then the donor may request that their donation be returned.

If possible, solicitations for donations should be generic so the funds that are received can be first applied to the greatest needs of the organization (i.e., band, team sport, club).

C. Documentation of Gifts.

According to the tax code, schools are a public agency and thus are not subject to taxes. Additionally, schools are generally not obligated to provide documentation to donors. As a general rule, documentation is the concern of the donor providing a gift, however we wish to support our donors and will work with them to provide appropriate documentation.

For amounts less than \$250, a cancelled check is sufficient documentation for the donor.

For amounts of \$250 or more, the IRS may ask for additional documentation from the donor. Below is a sample letter that can be provided to donors upon request.

**See the following page for the contents of
“Donation Acknowledgement/Acceptance Letter”**

D. Donation Acknowledgement/Acceptance Letter.

[FORM A]

**[PRINT ON DISTRICT, SCHOOL SITE OR PROGRAM LETTERHEAD,
AS APPLICABLE]**

Dear [donor's name]:

Thank for your [\$ _____] donation to the [program]. Your support is greatly appreciated by our students as it will help us to supplement our program and provide additional educational experiences for them.

This letter provides documentation of your donation for your tax records and confirms that, as part of this donation, you did not receive any goods or services in return for your donation.

Thank you again for your continued support of the [program].

Sincerely,

[program director, coach]

Approved Template Forms and Letters

The following catalogs the approved template District forms and letters in relation to fees, donations and fundraising. Electronic versions of the approved template forms and letters can be obtained from your school site principal. Any variation from these forms, and all forms intended for distribution with or without variation, must be approved by your school site principal. Any questions regarding the creation of additional forms must be approved by the Assistant Superintendent of Executive Services.

Form	Template Form/Letter Name and Subject	Location in Manual
A	Donation Acknowledgement/Acceptance Letter	Page 33
B	Classroom Supplies Donation Solicitation Letter	Page 35
C	Workshop Supplies Donation Solicitation Letter	Page 36
D	Direct Costs Purchase and Fabrication Fee Form (Option 1)	Pages 37-38
E	Direct Costs Purchase and Fabrication Fee Form (Option 2)	Pages 39-41
F	Uniform Loan Form	Page 42
G	Uniform Purchase Agreement Form	Page 43
H	Field Trip Fee Letter	Page 44
I	Sports/Other Programs Donation Solicitation Letter	Pages 45-46
J	P.E. Uniform Informational Letter	Page 47

[FORM B]

**[CLASSROOM SUPPLIES DONATION LETTER;
PRINT ON SCHOOL LETTERHEAD]**

[Date]

Dear Parent,

Welcome to [grade level]! We know that you are having an exciting summer and hope that you are enjoying every moment. The [grade level teachers or other specified grouping] at [school name] are looking forward to having your child in [grade level].

Because our supply budget will not support all of the activities we have planned for this year, we are seeking the voluntary donation of supplies which your child can utilize throughout the year. Recommended individual student supplies include:

- [List item]
- [List item]
- [List item]
- [List item]
- [List item]; and
- [List item]

[School name] also has needs for “community” supplies which are utilized by all of our students and we would greatly appreciate your voluntary donations. Such “community” supplies include:

- [List item]
- [List item]
- [List item]
- [List item]
- [List item]; and
- [List item]

Should you prefer to make a voluntary monetary donation in lieu of directly donating supplies, you can make a donation to the [school name parent club or other organization] designating your gift be used for [grade level] classroom supplies.

Please allow us to thank you in advance for your support. Your donations allow us to provide your child with additional experiences which will enhance his/her education. Should you have any questions or concerns, please do not hesitate to contact us.

Respectfully yours,

[Teacher's Name]

[FORM C]

**[WORKSHOP SUPPLIES DONATION SOLICIATION LETTER;
PRINT ON SCHOOL SITE LETTERHEAD]**

[Date]

Dear Parent:

Your son or daughter is currently enrolled in our **[____SPECIFY COURSE OR PROGRAM, e.g., ART, WOODSHOP, etc.____]** program and we are off to a great start this year with an exceptional group of young people. Because our supply budget will not support all of our program's **[workshop or laboratory]** activities, we are asking for your support through voluntary fundraising and donations to help acquire some of the needed supplies for our **[workshop or laboratory]** exercises.

The materials that we utilize include **[____LIST MATERIALS AND SUPPLIES____]**. In order to cover the cost of these materials and allow us to continue with the course's planned **[workshop or lab]** activities, we are soliciting a voluntary donation of \$**_____** from each of our students. Please note, participation in **[course or program]** is open to everyone and is in no way contingent upon any voluntary donation or the amount of the donation made by the student or family.

Please allow me to thank you in advance for your support and for encouraging your son or daughter to broaden their high school experience by enrolling in our **[____SPECIFY COURSE OR PROGRAM, e.g., ART, WOODSHOP, etc.____]**. We would also like to express our sincere appreciation to the many students who have already contributed. Should you have any questions or concerns, please do not hesitate to contact me.

Sincerely,

[Teacher or program director, etc.]

[FORM D]
[DIRECT COSTS PURCHASE AND FABRICATION FEE (OPTION 1);
PRINT ON APPLICABLE SCHOOL SITE LETTERHEAD]

_____ High School _____ Program ____[Specific Course]_____

Course Options

Direct Costs Purchase & Fabrication Fee

A. Required Assignments: All students are required to complete the following assignments:

- | | |
|---------------------------|----------------------------|
| 1. _____[Assignment]_____ | 6. _____[Assignment]_____ |
| 2. _____[Assignment]_____ | 7. _____[Assignment]_____ |
| 3. _____[Assignment]_____ | 8. _____[Assignment]_____ |
| 4. _____[Assignment]_____ | 9. _____[Assignment]_____ |
| 5. _____[Assignment]_____ | 10. _____[Assignment]_____ |

Students have the choice of completing two different curriculum options, Option One or Option Two, described below. Students' decision of which curriculum Option to follow has no effect on their grade or evaluation in this course.

B. Option One (Direct Costs for Purchase & Fabrication Fee does not apply):

Under Option One, students may choose to complete the course curriculum with materials provided by the school with the understanding that the materials are the property of the school district and not the property of the student. Therefore, under this option, assignments and projects created as part of the class curriculum must remain at the school and may not be taken home by the student.

C. Option Two (Direct Costs Purchase & Fabrication Fee applicable):

Students that choose Option Two will pay the course's Direct Costs Purchase & Fabrication Fee at the beginning of the course. Students will receive written and oral critiques of their fabricated projects. Students will then own the materials used to complete the curriculum of the course and may take their fabricated projects home upon completion and grading.

When choosing Option Two, *pursuant to Education Code section 17551*, students will be charged a Direct Costs Purchase & Fabrication Fee for all projects indicated above. In this option, students are also allowed to purchase materials beyond the required minimum amount for curriculum projects if the student so chooses. These additional materials would also be the property of the student.

D. Choosing a Course Option

Upon enrollment in ____**[Specific Course]**____ Course, and by ____**[Date]**____, students must turn in the attached form indicating whether they elect to participate in Option One or Option Two of the course curriculum. Students that choose to participate in Option Two must pay their fabrication fee when turning in this form.

Once a student takes a project home, the student's purchase of the project is final, and students may not request a refund of the direct costs Purchase and Fabrication Fee for that project or projects.

Course Option Election and Direct Costs Purchase & Fabrication Fee

Student Name _____

LAST

FIRST

Student ID # _____

Period _____

Option One _____

I elect to complete Option One for this course. I understand that any materials used to complete the course curriculum are the property of the school and may not be taken home. I understand that this will in no way affect my grade in this course and I will be able to complete the entire curriculum.

Option Two _____

I elect to complete Option Two for this course. I agree to pay the Direct Costs Purchase & Fabrication Fee, which is the direct cost of materials used for the fabrications in this class. Under this option, I am able to take home the fabricated projects I create upon completion and grading.

TOTAL DIRECT COSTS PURCHASE & FABRICATION FEE: _____

If you have elected to participate in Option Two of this course, upon submission of this form to _____ High School, please include a check payable to _____ High School in the amount of the total Direct Costs Purchase & Fabrication Fee for those projects you have fabricated and will take home.

Student Signature _____ Date _____

Parent Signature _____ Date _____

[FORM E]
[DIRECT COSTS PURCHASE AND FABRICATION FEE (OPTION 2);
PRINT ON APPLICABLE SCHOOL SITE LETTERHEAD]

_____ High School _____ Program ____[Specific Course]_____

Course Options

Direct Costs Purchase & Fabrication Fee

A. Required Assignments: All students are required to complete _____[Number]_____
[drawing/woodshop/etc.] assignments. The _____[Number]_____ required assignments are as follows:

1. _____[Assignment]_____	6. _____[Assignment]_____
2. _____[Assignment]_____	7. _____[Assignment]_____
3. _____[Assignment]_____	8. _____[Assignment]_____
4. _____[Assignment]_____	9. _____[Assignment]_____
5. _____[Assignment]_____	10. _____[Assignment]_____

Upon completion of the Required Assignments, students will have the choice of completing two different curriculum options, Option One or Option Two, described below. Students' decision of which curriculum Option to follow has no effect on their grade or evaluation in this course.

B. Option One (direct costs Purchase & Fabrication Fee inapplicable): Under Option One, students may choose to complete _____[Number]_____ remaining additional assignments in this course through a series of [art/woodwork/etc.] activities and presentations on: [Fill subjects]. These assignments *do not* require students to fabricate any projects that students could otherwise choose to purchase and take home in exchange for the direct costs to _____ High School for the materials to fabricate such projects.

C. Option Two (Direct Costs Purchase & Fabrication Fee applicable): Students that choose Option Two fabricate projects. Students will receive written and oral critiques of their fabricated projects. Students may purchase and take home one or more of the projects fabricated through the Option Two curriculum.

Under Option Two, pursuant to Education Code section 17551, students will be charged a Purchase and Fabrication Fee for those projects that they want to purchase and take home based on the direct costs to _____ High School for the materials necessary to fabricate the [art/woodshop/etc.] projects. The respective Purchase and Fabrication Fee accounting for the direct costs for Option Two projects are:

1. _____[Project]_____ [Project Cost]_____
[Project details]
2. _____[Project]_____ [Project Cost]_____
[Project details]
3. _____[Project]_____ [Project Cost]_____
[Project details]
4. _____[Project]_____ [Project Cost]_____
[Project details]
5. _____[Project]_____ [Project Cost]_____
[Project details]
6. _____[Project]_____ [Project Cost]_____
[Project details]
7. _____[Project]_____ [Project Cost]_____
[Project details]
8. _____[Project]_____ [Project Cost]_____
[Project details]

D. Course Option Election.

Upon enrollment in _____[Specific Course]_____ Course, and by _____[Date]_____, students must turn in the attached form indicating whether they elect to participate in Option One or Option Two of the course curriculum following completion of the Required Assignments. Students that choose to participate in Option Two must indicate which Option Two projects they intend to purchase and take home and, therefore, must reimburse _____ High School for the Purchase and Fabrication Fee accounting for the total direct costs of _____ High School for materials necessary to fabricate the selected projects.

If a student participating in the Option Two curriculum elects to purchase one or more projects to take home for the direct costs for fabricating those projects, and later decides prior to taking the project home that he or she does not want to purchase the project, the student will be entitled to a refund of the direct costs Purchase and Fabrication Fee paid for purchasing the project or projects. *Any and all such refunds will be provided to students at the end of the semester.*

Once a student takes a project home, the student's purchase of the project is final, and students may not request a refund of the direct costs Purchase and Fabrication Fee for that project or projects.

Course Option Election and Direct Costs Purchase & Fabrication Fee

Student Name _____
LAST, FIRST

Student ID # _____

Period _____

Option One _____ I elect to complete Option One of the curriculum following completion of the Required Assignments in _____[Specific Course]_____ Course, which includes various [art/woodshop/etc.] activities, presentations, and written reports that meet the requirements for this course.

Option Two _____ I elect to complete Option Two of the curriculum following completion of the Required Assignments in _____[Specific Course]_____ Course, which includes _____[Number]_____ [studio//woodshop/etc.] projects, and I desire to purchase and take the following projects home and will pay the Purchase and Fabrication Fee of _____ High School that accounts for the direct costs of the materials necessary to fabricate the projects:

(Check those projects you desire to purchase and take home)

_____	1. _____[Project]_____ [Project Cost]_____ \$ _____
_____	2. _____[Project]_____ [Project Cost]_____ \$ _____
_____	3. _____[Project]_____ [Project Cost]_____ \$ _____
_____	4. _____[Project]_____ [Project Cost]_____ \$ _____
_____	5. _____[Project]_____ [Project Cost]_____ \$ _____
_____	6. _____[Project]_____ [Project Cost]_____ \$ _____
_____	7. _____[Project]_____ [Project Cost]_____ \$ _____
_____	8. _____[Project]_____ [Project Cost]_____ \$ _____

**TOTAL DIRECT COSTS PURCHASE & FABRICATION FEE
FOR SELECTED PROJECTS:**

\$ _____

If you have elected to participate in Option Two of this course, upon submission of this form to _____ High School, please include a check payable to _____ High School in the amount of the total direct costs Purchase and Fabrication Fee for those projects you have fabricated, and selected to purchase and take home.

[FORM F]
[UNIFORM LOAN FORM;
PRINT ON APPLICABLE SCHOOL SITE OR PROGRAM LETTERHEAD]

[____ ADD APPLICABLE PROGRAM ____] Uniforms
Uniform Loan Agreement

Participant Name: _____ Date: ____/____/____

Address/City/Zip: _____

Home Phone: _____

Program, Team, or Squad: _____

Uniform items Received by Participant (check all that apply):

_____ [ADD UNIFORM ELEMENT] _____ [ADD UNIFORM ELEMENT]

_____ [ADD UNIFORM ELEMENT] _____ [ADD UNIFORM ELEMENT]

_____ [ADD UNIFORM ELEMENT] _____ [ADD UNIFORM ELEMENT]

Based on the items received, the replacement cost for such items is: \$ _____

By signing below, I agree to the loan of this property to the student listed as a participant above. I agree to see that the property loaned to the student is properly cared for and maintained. I further agree that the uniform is received in good condition except as noted at the bottom of this form. Pursuant to Education Code section 48904, in the event that the uniform is damaged beyond normal wear and tear, lost or stolen, I agree that I am financially responsible and will be required to pay _____ [ADD APPLICABLE SCHOOL SITE OR PROGRAM] _____, Central Unified School District for the full cost of the repairs or replacement. The assessed value and/or damage shall be determined by _____ [ADD APPLICABLE SCHOOL SITE OR PROGRAM] _____ and by the maker of the uniform. I further agree to return this uniform at any time upon request of the school.

Parent/Guardian Name: _____ (Please print)

PARENT/GAURDIAN SIGNATURE: _____

Notes on condition of uniform elements:

[FORM G]
[UNIFORM PURCHASE AGREEMENT FORM;
PRINT ON APPLICABLE SCHOOL SITE OR PROGRAM LETTERHEAD]

[__ADD APPLICABLE PROGRAM__] Uniforms
Voluntary Uniform Purchase as Personal Property

Dear Parent/Guardian:

Please check your choice of the following options:

_____ My child *does not* intend to keep his/her [__Add Applicable Program_] Uniform
(If selecting this option, please complete “Uniform Loan Agreement” form)

_____ My child *does* intend to keep his/her [__Add Applicable Program_] Uniform
(If selecting this option, please see below)

By signing below, I voluntarily agree to pay for the uniform and items listed below in full. By paying in full for these items, they will become personal property of and will belong to my child. As the personal property of my son/daughter, in the event that the uniform or items listed below are damaged, lost or stolen, I agree that I may be required to pay for repairs and replacement of the uniform and listed items for purposes of my son/daughter’s continued participation in the [__Add Applicable Program_] (“Program”). I agree that the uniform will be worn as made by the uniform company during the tenure of my son’s/daughter’s participation in the Program.

While it is your personal property, your son/daughter’s uniform must match and be the same as the rest of the team during the tenure of his/her participation in the Program.

_____ Yes, I agree to pay full amount for the Uniform, which includes the following pieces: [__Add List of All Uniform Pieces__].

Cost \$ _____ Payment to be received by [__DATE__]

_____ Yes, I agree to pay full amount for the following specific Uniform pieces:
[__Add List of Specific Uniform Pieces__].

Cost \$ _____ Payment to be received by [__DATE__]

Participant Name: _____ Date: ____/____/____

Address/City/Zip: _____

Parent/Guardian Name: _____ (Please print)

PARENT/GUARDIAN SIGNATURE: _____

[FORM H]

**[VERSION 1-FIELD TRIP DONATION LETTER;
PRINT ON SCHOOL SITE LETTERHEAD]**

[Date]

Dear Parent:

[Teacher, grade level, class or program] will be attending [field trip on date *or* will be attending several field trips this year].

This year, our planned [trip *or* trips] include:

- [List and describe trip];
- [List and describe trip]; and
- [List and describe trip].

Prior to [the *or* each] planned field trip, we will send home permission slips with your student. Consistent with the Education Code, the total field trip fee for the direct costs (transportation, admittance fees, etc.) associated with this/these field trip(s) is \$[___], which is due by [add date]. (Ed. Code, §§ 49011, subd. (e), 35330; 5 C.C.R. § 350.) However, no student will be denied the opportunity to attend the trip because the field trip fee has not been paid. If you are unable to pay this fee in full or in part, please contact [add contact name and number].

Your support will assist the [school name] staff in providing supplementary activities that will enhance your child's educational experiences. On behalf of [school name], I want to thank you in advance for your support.

Please feel free to contact me should you have any questions regarding our field trips.

Respectfully yours,

[Teacher's Name]

**[VERSION 2-FIELD TRIP DONATION LETTER;
PRINT ON SCHOOL SITE LETTERHEAD]**

[Date]

Dear Parent:

[Teacher, grade level, class or program] will be attending [field trip on date *or* will be attending several field trips this year].

This year, our planned [trip *or* trips] include:

- [List and describe trip];
- [List and describe trip]; and
- [List and describe trip].

Prior to [the *or* each] planned field trip, we will send home permission slips with your student. The total field trip fee for the direct costs (transportation, admittance fees, etc.) associated with this/these field trip(s) is \$[___], which is due by [add date]. However, no student will be denied the opportunity to attend the trip because the field trip fee has not been paid. If you are unable to pay this fee in full or in part, please contact [add contact name and number].

Your support will assist the [school name] staff in providing supplementary activities that will enhance your child's educational experiences. On behalf of [school name], I want to thank you in advance for your support.

Please feel free to contact me should you have any questions regarding our field trips.

Respectfully yours,

[Teacher's Name]

[FORM I]

**[PROGRAM/SPORT FUNDRAISING/DONATION FORM;
PRINT ON SCHOOL SITE OR PROGRAM LETTERHEAD, AS APPROPRIATE]**

[Date]

Dear Parent/Guardian:

Your **[son or daughter]** is currently a member of the **[SPECIFY PROGRAM]**. We are looking forward to a great year and are excited that your **[son or daughter]** has chosen to be a part of our Program. As you may already know, the budget dollars provided by the State to Central Unified School District do not fully fund our Program, including the following activities or expenses:

- **[Specified program activities];**
- **[Specified program activities];**
- **[Specified program activities];**
- **[Specified program activities].**

Through fundraising and voluntary contributions we will be able to offer these expanded opportunities in our Program. To continue to provide these opportunities through the Program, however, we must collectively raise the amounts necessary to cover their costs. We have estimated fundraising goals for the Program in order continue to provide the above-described opportunities. The total fundraising goal for the Program is \$ **_____**.

To assist the Program in achieving its fundraising goal, the Program will be conducting the following fundraising activities:

- **[Fill];**
- **[Fill];**
- **[Fill].**

Aside from these Program fundraisers, families are also encouraged to make a voluntary contribution to the Program.

These fundraising activities are not mandatory, and your **[daughter/son]** will not be adversely affected in terms of **[her/his]** participation in the Program if **[she/he]** cannot assist in fundraising and/or making voluntary contributions to the Program. The Program's fundraising goal is a collective one, and not on an individual student basis. As such, the larger the number of students unable or unwilling to assist in Program fundraisers, the greater the burden on those students who so do for the benefit of everyone. **[OPTIONAL: Based on the collective fundraising goal, if each of the [Number**

of Participants] in the Program fundraises equally, the amount attributable to each student is only \$ _____.]

We strongly encourage families and students to assist in fundraising activities and/or making voluntary donations to the Program so that we can continue to offer these opportunities to Central students. We also thank you in advance for your ongoing support of the Program.

Sincerely,

[Coach/Advisor]

[FORM J]

**[P.E. UNIFORM INFORMATIONAL LETTER;
PRINT ON SCHOOL SITE LETTERHEAD]**

RE: Notice and Information Regarding Physical Education Uniform Requirements

Dear Parent:

Your son or daughter will be enrolled in [____SPECIFY SCHOOL SITE____]'s Physical Education program this school year. Consistent with the Education Code and guidance from the California Department of Education, [SCHOOL SITE]'s P.E. requirements include that every student wear standardized clothing for P.E. This year's P.E. uniform includes [COLOR] and [DESIGN] shorts and a [COLOR] and [DESIGN] shirt, otherwise suitable to be worn outside of school and P.E.

Students may purchase a P.E. uniform compliant with these parameters through [SCHOOL SITE]'s front office. All proceeds raised through the purchase of P.E. uniforms will go to [FILL]. Students are not required to purchase their P.E. uniform from the school, and students may wear existing clothes or purchase clothes from other sources compliant with [SCHOOL SITE]'s P.E. uniform color and design parameters. A student's grade will not be lowered or otherwise impacted upon any failure to wear compliant P.E. clothing if such failure was clearly beyond that student's control. Students unable to comply with the uniform requirements should inform their P.E. instructor.

Please allow me to thank you in advance for your support of [SCHOOL SITE]'s P.E. program. Should you have any questions or concerns, please do not hesitate to contact me.

Sincerely,

[Principal or Athletic Director, etc.]