

RIVERSIDE UNIFIED SCHOOL DISTRICT
THE GUIDE TO STUDENT FEES
JULY 2009

INTRODUCTION

Public education must be provided to students free of charge, including free access to all educational programs and extra-curricular activities. Free access also includes any prerequisites to participation in education programs and extra-curricular activities, such as the purchase of a uniform. Fees may only be imposed when they are specifically authorized by law.

Participation in an activity is different from attending an activity as a spectator. Attendance fees may be charged to students (unless the attendance is for instruction or extra-curricular purposes, when a fee may not be charged); participation fees may not.

Points of Law:

- The California Constitution provides for “a system of common schools” by which a free school is supported. This provision entitles children to be educated at the public’s expense and is known as the “free-school guarantee.”
- Title V of the California Code of Regulations provides that enrolled pupils shall not be required to pay any fee, deposit or other charge unless specifically required by law.
- The California Supreme Court has held that the free-school guarantee extends to all programs that are “educational in character”, whether they are curricular or extra-curricular, including, but not limited to:
 - Athletic programs;
 - Dramatic productions;
 - Vocal groups and musical activities.
 - An activity need not result in course credit to be educational in character.
 - Providing financial assistance to enable needy students to participate in the activity does not cure the violation.

The California Attorney General Addressed the Issue of “Donations” in a 1998 Opinion:

- The “voluntariness” of the donation is the critical factor in resolving the question presented. We conclude that as long as the private funds are raised voluntarily, the school district would not have to pay for these expenses with school funds.” (81 Ops. Atty. Gen. 153 (1998).)
- It is to be noted that donations for participation in many of the extra-curricular activities may be solicited. While voluntary donations are permissible, you are cautioned that the practice of asking every student for a specific dollar amount may be characterized as an improper fee.
- These guidelines are to be shared before each school year with all booster clubs, student clubs, performing groups, and class advisors. These guidelines are also to be shared with coaches before the start of each season (fall, winter, and spring).
- Likewise, fundraising efforts must not be mandatory. Fundraising may be encouraged of all students, but it may not be required. A student who does not actively raise funds may not be denied participation in the extra-curricular activity.

Fundraising

Schools may offset the cost of extra-curricular activities through fundraising. Keep in mind:

- Private fundraising is permissible.
- Public fundraising may not be a mandatory student activity.
- The District encourages donations to its schools. However, the District discourages students (or their parents) from donating funds solely for the purpose of avoiding participation in a fundraising activity.