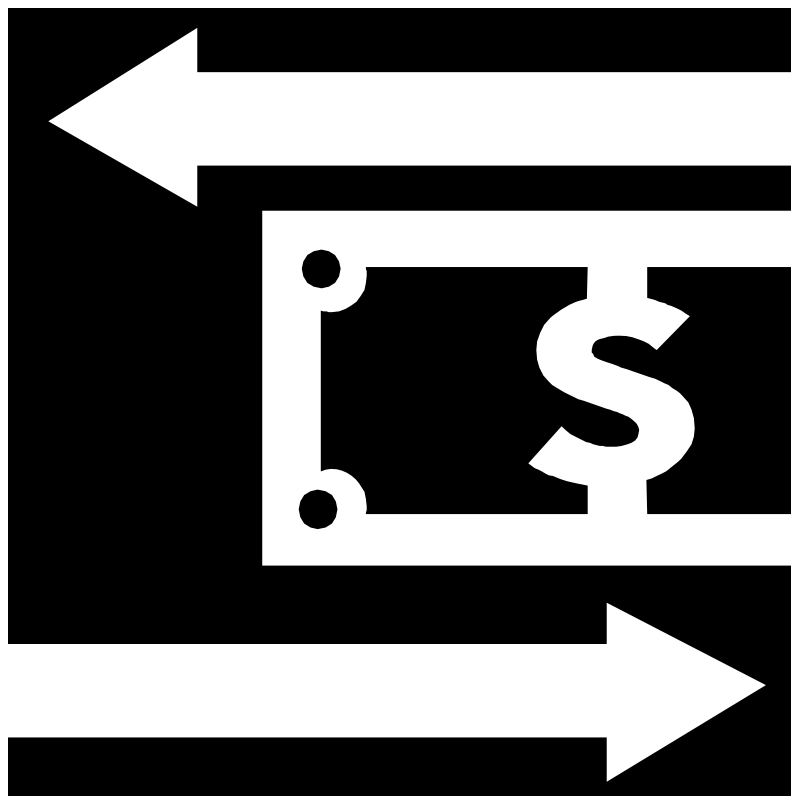


# Student Fees, Donations, and Fundraising Handbook for Staff and School-Connected Organizations



Capistrano Unified School District  
May 2011

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**Dear CUSD Community,**

The Capistrano Unified School District continuously strives to offer students a comprehensive array of programs within the District. We know these programs are important to our students and the community. At the same time, the California Constitution requires that public education be provided to students free of charge, unless a charge is specifically authorized by law for a particular program or activity. Recently, a lawsuit against the State of California brought to light many practices that violated this right, and mandated the need for districts to monitor all activity related to student fees.

In general, the law is very clear: our District may not charge fees for school programs and extracurricular activities, except those for which a fee is specifically authorized by law. This means that our District, like all districts in California, must ensure that our parents, staff, and community are clear on the guidelines for student fees and donations, and that they are followed with absolute consistency. Please note that the law does not prohibit a school district or its programs from requesting voluntary donations or engaging in fundraising activities and programs. These donations and fundraising financial contributions are voluntary, and all students will be allowed to participate in school activities and extracurricular activities regardless of whether the parent or legal guardian makes a donation or contribution.

Beginning in March 2011, our District convened a task force comprised of teachers, parents, administrators, and community members to examine the law, and develop clear guidelines related to student fees. This handbook provides an overview of those guidelines. Additional resources and updated information can be found on the CUSD website under Key District Guidelines.

A handwritten signature in black ink, reading 'Joseph M. Farley'.

Joseph M. Farley  
Superintendent

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## What does the law say?

**Proposed Education Code (49011[b]) states the following requirements apply to student fees:**

1. All supplies, materials and equipment needed to participate in educational activities shall be provided to pupils free of charge.
  - *This has been interpreted to include extracurricular activities, including those supported by school-connected organizations.*
2. A waiver process shall not render an otherwise impermissible fee permissible.
  - *This means we can't charge impermissible fees and waive them for students who are unable to pay.*
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 fee or purchase of additional supplies that the school district or a school does not provide.
  - *In other words, the district, teachers, or programs cannot create a structure that allow for a higher program quality based on his/her ability or willingness to provide supplies or donate funds.*
4. The school district or a school shall not offer course credit or privileges related to educational activity in exchange for money or donations of goods or services from a pupil or pupil's parents or guardians, and a school district or school shall not renew 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 a school.
  - *To clarify, students must have full access to all activities (educational and extracurricular) regardless of their willingness or inability to donate items or funds. Students should not receive extra credit or privileges because they have donated.*

## What fees *can* schools charge?

The fees, charges, and deposits that are legally authorized by law are as follows:

- 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.
- 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.
- Charges for the **parking of vehicles** on school grounds.
- Charges for the **rental or lease of personal property** needed for District purposes, such as caps and gowns for graduation ceremonies.
- Fees for **school camp programs**, 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**.

## Information for School-connected Organizations

### **What are the guidelines for fundraising by school-connected organizations?**

Fundraising activities are 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. Likewise, parents cannot be "mandated" to submit donations. The language used must reflect a voluntary nature, and should not include mandates, conditions, or anything that could be construed as harassment.

Working with a representative task force, Capistrano Unified School District has established procedures in support of these guidelines. Beginning September 2011, all school-connected organizations, including those with a 501(c)(3) designation, must submit an annual assurance signed by its president certifying that any and all funds raised for any District-related activity meet the District's policies on student fees. Principals at each school will meet annually with all school-connected organizations to provide guidance and training on student fees.

### **What are the recommended practices that school-connected organizations can use to ensure adherence to the guidelines?**

- Hold an annual stakeholder meeting during which the guidelines are reviewed.
- Attend site and/or district information and training.
- Embed suggested language on all flyers and websites.
- Develop and implement a process for flyer review.
- Ask for assurances from those who are coordinating fundraising efforts.

We appreciate your support for our schools and programs! The district website has additional resources for school-connected organizations that assist with compliance and training related to student fees.

## Recommended Language for School-Connected Organization Websites and Donation Flyers

### Recommended website language:

*As a school-connected organization, we must follow the same Constitutional guidelines related to student fees that mandate all schools and districts provide a public education to your student free of charge. Subject to certain exceptions, your right to a free public education means that neither the school nor its support organizations can require you or your family to purchase materials, supplies, equipment or specific uniforms for any school activity, nor can we require you or your family to pay security deposits or make donations in order to participate in the program. **All donations are strictly voluntary and greatly appreciated as we work to support our schools and programs!***

### Suggested language for flyers/donation forms:

1. You are not required to purchase any of these items.
2. Donations are voluntary and all students will be allowed to participate regardless of whether a donation is made.
3. A voluntary donation of \$\_\_\_\_\_ is appreciated. Funds will be used to purchase \_\_\_\_\_.
4. A \$\_\_\_ donation to the \_\_\_\_\_ is appreciated to help offset costs of \_\_\_\_\_ and maintain the quality of the program that we have at \_\_\_\_\_.
5. Students who participate in the after school sports program are encouraged to support a one-time sports program donation of \$40, and a donation of \$25 per season for bus transportation. The program donation will help to cover the cost of uniforms, equipment, coaches, and officials for the year. The bus transportation donation will help to cover the cost of transportation to the away games during the season of sport.
6. We appreciate any donations made to this program.

Resource: Orange County Department of Education, School Legal Services





## Monitoring Student Fees, Donations, and Fundraising Guidelines Compliance

Date: \_\_\_\_\_

**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 throughout the year I will:

**Date(s)  
Completed**

- |       |   |
|-------|---|
| _____ | Meet 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.) |
| _____ | Review the school web site for compliance with the guarantee of a "free public education."  |
| _____ | Embed the link on the school's website connecting it to Student Fees information on the CUSD website.   |
| _____ | Notify parents/guardians via the principal's newsletter of the guarantee of a "free public education." (Published in each newsletter or similar communication.)   |
| _____ | Publish a statement in student/parent handbook or information packet stating that fees will not be charged for participating in extra- and co-curricular activities.  |
| _____ | Review course syllabi each semester (as appropriate) for compliance with the guarantee of a "free public education."  |
| _____ | Review school's course catalog to ensure that no course description requires students to purchase materials, supplies, equipment, or uniforms associated with a class.  |
| _____ | Meet 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.)    |
| _____ | Collect annual signed assurances from each school-connected organization.   |

**Date Completed:** \_\_\_\_\_

\_\_\_\_\_  
**Superintendent's Signature**

\_\_\_\_\_  
**Date**



*Submit completed form to your site principal by September 15, 2011.*

## Monitoring Student Fees, Donations, and Fundraising Guidelines Compliance School-Connected Organizations

Date: \_\_\_\_\_

**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.”

**As a school-connected organization, we are responsible for informing our members and the community of this right, and for ensuring that all written and oral communications and fundraising practices reflect this right.**

I, \_\_\_\_\_, executive director/president of \_\_\_\_\_

serving \_\_\_\_\_ confirm that I have:

(School Name(s))

### Date Completed

- \_\_\_\_\_ Met with the site administrator(s) and/or participated in annual training to review guidelines for fund-raising efforts.
- \_\_\_\_\_ Provided or facilitated participation in student-fee guidelines training for all individuals coordinating fund-raising activities connected to our organization.
- \_\_\_\_\_ Reviewed the organization’s web site for compliance with the guarantee of a “free public education” and posted explanatory language on the homepage of the website.
- \_\_\_\_\_ Established the practice of embedding language that reinforces parents/guardians’ understanding of the guarantee of a “free public education” within any publication that seeks donations.
- \_\_\_\_\_ Reviewed fundraising documents prior to their distribution (in collaboration with the site administrator) to ensure compliance with appropriate donation language.

**Date Completed:** \_\_\_\_\_

**Signature**

\_\_\_\_\_  
**Principal’s Signature**

\_\_\_\_\_  
**Date**

**Capistrano Unified School District**

**SUGGESTED CLASSROOM SUPPLIES FOR**

\_\_\_\_\_ School Year

Teacher Name: \_\_\_\_\_

\_\_\_\_\_ ELEMENTARY SCHOOL

Listed below are supplies that we suggest students bring to class this year. This suggested list has been compiled based on needs identified to support of the delivery of the (grade level) curriculum.

*Please note that the Constitution of the State of California requires that we provide a public education to you free of charge. Your right to a free education is for all school/educational activities, whether curricular or extracurricular, and whether you get a grade for the activity or class. Subject to certain exceptions, your right to a free public education means that we cannot require you or your family to purchase materials, supplies, equipment or uniforms for any school activity, nor can we require you or your family to pay security deposits for access, participation, materials, or equipment.*

*Therefore, while this list suggests that students bring a number of items, they are considered voluntary. No student will be restricted from participation if they are not sent to school.*

**Suggested Items:**

**Capistrano Unified School District**

COURSE SYLLABUS FOR \_\_\_\_\_  
\_\_\_\_\_ School Year

Teacher Name: \_\_\_\_\_

Period: \_\_\_\_\_

Listed below are recommended materials for students taking \_\_\_\_\_ (course name) \_\_\_\_\_.

*Please note that the Constitution of the State of California requires that we provide a public education to you free of charge. Your right to a free education is for all school/educational activities, whether curricular or extracurricular, and whether you get a grade for the activity or class. Subject to certain exceptions, your right to a free public education means that we cannot require you or your family to purchase materials, supplies, equipment or uniforms for any school activity, nor can we require you or your family to pay security deposits for access, participation, materials, or equipment.*

Elementary School PTA

May, 2011

Dear [REDACTED] Parents,

Our second annual PTA Carnival is fast approaching and this year's event promises to be a great evening. New this year, our Carnival will include a Silent Auction and Basket Raffle. The PTA is asking parents in each class to donate items that will be assembled into a class basket based on a specific theme. These items are voluntary donations. We understand the hardship many families are facing and do not want anyone to feel obligated to contribute if unable to do so. If you are able to donate an item or know of a company willing to donate an item, please bring it to school by [REDACTED]. Your class room parent will collect all donated items and assemble the gift basket to be used in the Silent Auction or Basket Raffle on the night of the Carnival. Your room parent will be able to provide you with a Donations Contribution Form should you require one.

**Class basket themes:**

**Kindergarten:** Sports Fan Fun

**Third Grade:** Family Fun Night/Board Games

**First Grade:** Outside Fun

**Fourth Grade:** Day at the Beach

**Second Grade:** Water Fun

**Fifth Grade:** Movie Night

Through the generous contributions of our parents, the [REDACTED] PTA supports many programs which benefit all of our students at [REDACTED]. The money raised through the Silent Auction and Basket Raffle will be used to continue the funding of these beloved programs, including Meet the Masters, field trips, assemblies, and additional hours for our librarian.

We thank you in advance for your contributions. If you have any questions, please contact your room parent or the PTA Carnival Chairperson, [REDACTED], at \_\_\_\_\_.

Sincerely,

The PTA Carnival Committee