

Since 1879, the California Constitution has required the establishment of system of free schools in each district, termed the free schools guarantee. In 1940, the California Department of Education enacted a regulation that pupils enrolled in school shall not be required to pay any fee, deposit, or other charge not specifically authorized by law. In 1984, the California Supreme Court clarified that the free schools guarantee includes all activities that were educational in character whether curricular, co-curricular, or extracurricular. (*Hartzell v. Connell* (1984) 335 Cal.3d 899). The Board is committed to providing high quality educational opportunities for all of our students within the requirements of the free schools guarantee.

The district shall not charge a pupil fee for participation in an educational activity, except as specifically permitted by state law.

All supplies, materials, and equipment needed to participate in educational activities shall be provided to pupils free of charge.

A fee waiver policy shall not make a pupil fee permissible.

The district 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 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 district.

The following definitions shall apply for purposes of this policy:

(a) "Educational activity" means 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.

(b) "Pupil fee" means a fee, deposit, or other charge imposed on pupils, or a pupil's parents or guardians, in violation of Section 49011 and Section 5 of Article IX of the California Constitution, which require educational activities to be provided free of charge to all pupils without regard to their families' ability or willingness to pay fees or request special waivers, as provided for in Hartzell v. Connell (1984) 35 Cal.3d 899. A pupil fee includes, but is not limited to, all of the following:

(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.

(3) A purchase that a pupil is required to make to obtain materials, supplies, equipment, or uniforms associated with an educational activity.

Complaints of non-compliance with this Board Policy shall be filed in accordance with Administrative Regulation 7300-R (Free Schools Guarantee: Pupil Fees).

References:

California Constitution, Article 9, Section 5
Education Code sections 49010-49013
Title 5 California Code of Regulations, Section 350

Board of Trustees:
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