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Introduction Date	10/9/2013
Enactment Number	13-2012
Enactment Date	10/9/13 AS



OAKLAND UNIFIED
SCHOOL DISTRICT

Community Schools, Thriving Students

Memo

To Board of Education

From Jacqueline Minor, General Counsel

Board Meeting Date October 9, 2013

Subject Amendment to Board Policy BP 3260

Action Requested Approval of updates to the Oakland Unified School District Board Policy BP 3260, Fees and Charges

Background The revision to Board Policy 3260 brings the policy into compliance with new legislation. The revised policy emphasizes that schools may not charge fees related to school activities and allows students or parents/guardians to use the Uniform Complaint Procedures to complain about a fee.

Discussion The revision provides clarity regarding the prohibition on school fees and allows students or their parents/guardians to file a Uniform Complaint regarding a fee.

The changes to the policy are shown on the attachment.

Recommendation Approval of modifications to the Oakland Unified School District Board Policy BP 3260 Fees and Charges

Fiscal Impact Funding resource: no direct funding implications

Attachments

- Amendment to Board Policy BP 3260 Fees and Charges



Legal Alert

STUDENTS MAY *NOT* BE CHARGED FEES TO PARTICIPATE IN SCHOOL ACTIVITIES OR PROGRAMS

Students may *not* be charged fees to participate in most school activities, including:

- Class or extracurricular activity;
- Security deposits for equipment, uniforms, books, or materials;
- School supplies, material, or equipment.

Fees may be charged in a few situations, including;

- Lost or damaged books or equipment;
- Optional school dances or athletic events;
- Food sold at school (subject to free and reduced-price meal program restrictions).

See Education Code 49010-49013 and Administrative Regulation 3260 for a full list of fees that can be charged and collected.

Voluntary fundraising still permissible

Schools and parent associations may continue to solicit voluntary donations to support school programs and activities. **BUT**, any donation or participation in a fundraiser must be truly *voluntary*.

OK TO CHARGE STUDENT FEES	NO FEES CAN BE CHARGED TO STUDENTS
<ul style="list-style-type: none"> ➤ Voluntary fundraising or donations ➤ Fees for lost/damaged books or equipment ➤ Fees for optional dances or athletic events ➤ Fees for food sold at school ➤ Fees for eye safety devices ➤ Uniforms that are general wear, such as blue shorts and a white shirt, that can be worn outside of school, and do not have specialized designs or emblems 	<ul style="list-style-type: none"> ➤ Extracurricular activities ➤ Security deposits for supplies or equipment such as a lock or musical instrument ➤ Required purchases of supplies such as art materials ➤ Uniforms that are not general wear, because they have specialized designs or emblems (such as school logo or mascot) ➤ Requiring participation in fundraising ➤ Fees for most field trips*

Complaints regarding fees

Complaints about fees may be submitted as a Uniform Complaint (call the Ombudsperson at (510) 273-3243 for more info). Schools may be required to provide **full reimbursement** for unauthorized fees.

**There is a limited exception for optional, out-of-state field trips where no student is excluded for lack of funds, and it does not take place on schooldays.

If you have specific questions, call the Legal Office at 510-879-8535.

Date of Alert: 9.12.13

OAKLAND UNIFIED SCHOOL DISTRICT

Board Policy

BP 3260

Business and Noninstructional Operations

Fees and Charges

The Governing Board recognizes its responsibility to ensure that books, materials, equipment, supplies, and other resources necessary for students' participation in the educational program are made available to them. No student shall be required to pay any fees, deposits, or other charges for his/her participation in an educational activity that constitutes an integral fundamental part of the district's educational program, including curricular and extracurricular activities. Schools may solicit voluntary donations and participate in fundraising activities.

(cf. 1321 - Solicitation of Funds from and by Students)

(cf. 3100 - Budget)

(cf. 3290 - Gifts, Grants and Bequests)

(cf. 6145 – Extracurricular and Cocurricular Activities)

As necessary, the Board may approve fees, deposits, and other charges that are specifically authorized by law. For such authorized fees, deposits, and charges, the district shall consider students' and parents/guardians' ability to pay when establishing fee schedules and granting waivers or exceptions.

(cf. 3250 - Transportation Fees)(cf. 3515.4 - Recovery for Property Loss or Damage)

(cf. 3553 - Free and Reduced Price Meals)

(cf. 5143 - Insurance)

(cf. 9323.2 - Actions by the Board)

Whenever a student or parent/guardian believes that an impermissible fee, deposit, or other charge is being required of the student for his/her participation in an educational activity, the student or his/her parent/guardian may file a complaint with the principal, designee, or Office of the Ombudsperson using the district's procedures in BP/AR 1312.3 - Uniform Complaint Procedures. (Education Code 49013)

(cf. 1312.3 – Uniform Complaint Procedures)

The Superintendent or designee shall include information in the annual notification required by 5 CCR 4622 to be provided to all district students, parents/guardians, employees, and other interested parties about the requirements relating to the prohibition against districts requiring students to pay fees, deposits or other charges in order to participate in an educational activity, unless authorized by law, and the filing of complaints for alleged violations using the uniform complaint procedures. (Education Code 49013)

(cf. 4112.9/4212.9/4312.9 - Employee Notifications)

(cf. 5145.6 - Parental Notifications)

Legal Reference:

EDUCATION CODE

8263 Child care eligibility

8760-8773 Outdoor science and conservation programs

17551 Property fabricated by students
19910-19911 Offenses against libraries
32033 Eye protective devices
32221 Insurance for athletic team member
32390 Fingerprinting program
35330-35332 Excursions and field trips
35335 School camp programs
38080-38085 Cafeteria establishment and use
38120 Use of school band equipment on excursions to foreign countries
39807.5 Payment of transportation costs
39837 Transportation of students to places of summer employment
48050 Residents of adjoining states
48052 Tuition for foreign residents
48904 Liability of parent or guardian
49010-49013 Student fees
49065 Charge for copies
49066 Grades, effect of physical education class apparel
49091.14 Prospectus of school curriculum
51810-51815 Community service classes
52612 Tuition for adult classes
52613 Nonimmigrant aliens
60410 Students in classes for adults
GOVERNMENT CODE
6253 Request for copy; fee
CALIFORNIA CONSTITUTION
Article 9, Section 5 Common school system
CODE OF REGULATIONS, TITLE 5
350 Fees not permitted
4622 Notice
UNITED STATES CODE, TITLE 8
1184 Foreign Students
COURT DECISIONS
Driving School Assn of CA v. San Mateo Union HSDt (1993) 11 Cal. App. 4th 1513
Arcadia Unified School District v. State Department of Education (1992) 2 Cal 4th 251
Steffes v. California Interscholastic Federation (1986) 176 Cal. App. 3d 739
Hartzell v. Connell (1984) 35 Cal. 3d 899
CTA v. Glendale School District Board of Education (1980) 109 Cal. App. 3d 738

Management Resources:

CDE MANAGEMENT ADVISORIES

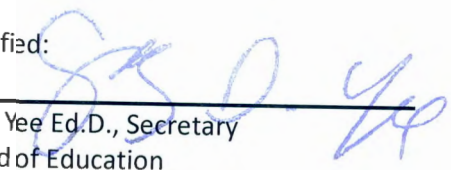
1030.97 Fiscal Management Advisory 97-02: Fees Deposits and Other Charges

WEB SITES

CDE: <http://www.cde.ca.gov>

7/14/04; 10/9/13

Certified:



Gary Yee Ed.D., Secretary
Board of Education

File ID Number: 13-2211
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By: o/s

OAKLAND UNIFIED SCHOOL DISTRICT

Board Policy

BP 3260

Business and Noninstructional Operations

-Fees and Charges

The Governing Board ~~desires~~ recognizes its responsibility to ~~furnish~~ ensure that books, materials and instructional, equipment as needed, supplies, and other resources necessary for students' participation in the educational program. ~~Because the needs of the district must be met with limited~~ are made available funds, the Board may charge fees when specifically authorized by law to them. No

~~The district shall consider the student and parent/guardian's ability~~ shall be required to pay when establishing fee schedules any fees, deposits, or other charges for his/her participation in an educational activity that constitutes an integral fundamental part of the district's educational program, including curricular and extracurricular activities. Schools may solicit voluntary donations and granting exceptions participate in fundraising activities.

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49066 Grades, effect of physical education class apparel

49091.14 Prospectus of school curriculum

51810-51815 Community service classes

52612 Tuition for adult classes

52613 Nonimmigrant aliens

60410 Students in classes for adults

GOVERNMENT CODE

6253 Request for copy; fee

~~VEHICLE CODE~~

~~21113 Public grounds (parking)~~

CALIFORNIA CONSTITUTION

Article 9, Section 5 Common school system

CODE OF REGULATIONS, TITLE 5

350 Fees not permitted

4622 Notice

UNITED STATES CODE, TITLE 8

1184 Foreign Students

COURT DECISIONS

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