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Memo

To Board of Education

From Kyla Johnson-Trammell, Superintendent
Michael Smith, Interim General Counsel

Board Meeting Date 5/8/2019

Subject Amendment, Board Policy – Business and Noninstructional Operations – BP 3260 Fees and Charges

Action Requested and Recommendation Approval by the Board of Education of amendments to Board Policy – Business and Noninstructional Operations – BP 3260 Fees and Charges

Background and Discussion Periodically modifications to board policies are recommended to align with changes in law or recommended best practices. The proposed modifications to the board policies reflect the District’s standards and are based on the California School Boards Association’s model policies.

The changes to the policy are shown on the attachment. The proposed deletions are indicated with **blue strikeouts**. The recommended additions are shown in **red**.

Fiscal Impact No direct funding implications

Attachments Board Policy BP 3260 Fees and Charges

OAKLAND UNIFIED SCHOOL DISTRICT

Board Policy

Business and Noninstructional Operations

BP 3260

Fees and Charges

The Governing Board recognizes its responsibility to ensure that books, materials, equipment, supplies, and other resources necessary for ~~students'~~student participation in the district's educational program are made available to ~~them.~~students at no cost.

No student shall be required to pay ~~any fees, deposits~~a fee, deposit, or other ~~charges~~charge for ~~his/her~~ participation in an educational activity ~~that~~which 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.~~(Education Code 49010, 49011; 5 CCR 350)

~~(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~~which are specifically authorized by law. ~~For~~When approving such ~~authorized~~ fees, deposits, ~~and~~or charges, ~~the district shall consider students' and parents/guardians' ability to pay when~~ establishing fee schedules ~~and granting, or determining whether~~ waivers or exceptions should be granted, the Board shall consider relevant data, including the socioeconomic conditions of students' families and their ability to pay.

~~(cf. 0410 - Nondiscrimination in District Programs and Activities)~~

~~(cf. 0415 - Equity)~~

~~(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~~The prohibition against student fees shall not prevent the district from soliciting for donations, conducting fundraising activities, or providing prizes or other recognition for participants in such activities and events. The Superintendent or designee shall emphasize that participation of students, parents/guardians, district employees, volunteers, or educational or civic organizations in such activities and events is voluntary. The district shall not offer or award to a student any course credit or privileges related to educational activities in

exchange for voluntary donations or participation in fundraising activities by or on behalf of the student. The district also shall not remove or threaten to remove from a student any course credit or privileges related to educational activities, or otherwise discriminate against the student, due to a lack of voluntary donations or participation in fundraising activities by or on behalf of the student.

(cf. 1321 - Solicitation of Funds from and by Students)
(cf. 3290 - Gifts, Grants and Bequests)

The Superintendent or designee may provide information or professional development opportunities to administrators, teachers, and other personnel regarding permissible fees.

(cf. 4131 - Staff Development)

Complaints

A complaint alleging district noncompliance with the prohibition against requiring student fees, deposits, or other charges shall be filed in accordance with the district's procedures in BP/AR 1312.3 - Uniform Complaint Procedures. (Education Code 49013)

(cf. 1312.3 – Uniform Complaint Procedures)

~~The~~If, upon investigation, the district finds merit in the complaint, the Superintendent or designee shall ~~include information in the annual notification required by 5 CCR 4622~~recommend and the Board shall adopt an appropriate remedy to be provided to all ~~district~~affected students and parents/guardians in accordance with 5 CCR 4600.

Information related to the prohibition against requiring students to pay fees for participation in an educational activity shall be included in the district's annual notification of uniform complaint procedures to be provided to all 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 pursuant to 5 CCR 4622.~~ (Education Code 49013)

(cf. 4112.9/4212.9/4312.9 - Employee Notifications)
(cf. 5145.6 - Parental Notifications)

Collection of Debt

The Superintendent or designee shall, in accordance with law, recover any debt owed to the district as a result of unpaid permissible student fees approved by the Board. However, the district shall not bill a current or former student for accumulated debt, nor take negative action against a student or former student because of such debt, including, but not limited to, any of the following: (Education Code 49014)

1. Denying full credit for any class assignment

2. Denying full and equal participation in any classroom activity
3. Denying access to the library or other on-campus educational facilities
4. Denying or withholding grades or transcripts
5. Denying or withholding a diploma
6. Limiting or barring participation in an extracurricular activity, club, or sport
7. Limiting or excluding the student from participation in an educational activity, field trip, or school ceremony

Legal Reference:

EDUCATION CODE

8239 Preschool and wraparound child care services

8250 Child care and development services for children with disabilities

8263 Child care eligibility

8422 21st Century High School After School Safety and Enrichment for Teens programs

8482.6 After School Education and Safety programs

8760-~~8773~~8774 Outdoor science and conservation, and forestry programs

17453.1 District sale or lease of Internet appliances or personal computers to parents of students

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~~38086.1 Cafeteria establishment and use

38120 Use of school band equipment on excursions to foreign countries

39801.5 Transportation for adults

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

49014 Public School Fair Debt Collection Act

49065 Charge for copies

49066 Grades, effect of physical education class apparel

49091.14 Prospectus of school curriculum

49557.5 Unpaid school meal fees

51810-51815 Community service classes

52612 Tuition for adult classes

52613 Nonimmigrant ~~aliens~~ foreign nationals

56504 School records; students with disabilities

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

4600-4687 *Uniform complaint procedures*

UNITED STATES CODE, TITLE 8

1184 Foreign Students *Nonimmigrant 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

Driving School Assn of CA v. San Mateo Union HSD (1992) 11 Cal. App. 4th 1513

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; CALIFORNIA DEPARTMENT OF EDUCATION

PUBLICATIONS

Pupil Fees, Deposits and Other Charges, Fiscal Management Advisory 17-01, July 28, 2017

WEB SITES

CDECSBA: <http://www.csba.org>

California Department of Education: <http://www.cde.ca.gov>

7/14/04; 10/9/13A; 5/8/19A (if adopted)

OAKLAND UNIFIED SCHOOL DISTRICT

Board Policy

Business and Noninstructional Operations

BP 3260

Fees and Charges

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No student shall be required to pay a fee, deposit, or other charge for participation in an educational activity which constitutes an integral fundamental part of the district's educational program, including curricular and extracurricular activities. (Education Code 49010, 49011; 5 CCR 350)

(cf. 3100 - Budget)

(cf. 6145 - Extracurricular and Cocurricular Activities)

As necessary, the Board may approve fees, deposits, and other charges which are specifically authorized by law. When approving such fees, deposits, or charges, establishing fee schedules, or determining whether waivers or exceptions should be granted, the Board shall consider relevant data, including the socioeconomic conditions of students' families and their ability to pay.

(cf. 0410 - Nondiscrimination in District Programs and Activities)

(cf. 0415 - Equity)

(cf. 3250 - Transportation Fees)

(cf. 3553 - Free and Reduced Price Meals)

(cf. 5143 - Insurance)

(cf. 9323.2 - Actions by the Board)

The prohibition against student fees shall not prevent the district from soliciting for donations, conducting fundraising activities, or providing prizes or other recognition for participants in such activities and events. The Superintendent or designee shall emphasize that participation of students, parents/guardians, district employees, volunteers, or educational or civic organizations in such activities and events is voluntary. The district shall not offer or award to a student any course credit or privileges related to educational activities in exchange for voluntary donations or participation in fundraising activities by or on behalf of the student. The district also shall not remove or threaten to remove from a student any course credit or privileges related to educational activities, or otherwise discriminate against the student, due to a lack of voluntary donations or participation in fundraising activities by or on behalf of the student.

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

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opportunities to administrators, teachers, and other personnel regarding permissible fees.

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(cf. 1312.3 - Uniform Complaint Procedures)

If, upon investigation, the district finds merit in the complaint, the Superintendent or designee shall recommend and the Board shall adopt an appropriate remedy to be provided to all affected students and parents/guardians in accordance with 5 CCR 4600.

Information related to the prohibition against requiring students to pay fees for participation in an educational activity shall be included in the district's annual notification of uniform complaint procedures to be provided to all students, parents/guardians, employees, and other interested parties pursuant to 5 CCR 4622. (Education Code 49013)

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

(cf. 5145.6 - Parental Notifications)

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- 8250 *Child care and development services for children with disabilities*
- 8263 *Child care eligibility*
- 8422 *21st Century High School After School Safety and Enrichment for Teens programs*
- 8482.6 *After School Education and Safety programs*
- 8760-8774 *Outdoor science, conservation, and forestry programs*
- 17453.1 *District sale or lease of Internet appliances or personal computers to parents of students*
- 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*
- 38080-38086.1 *Cafeteria establishment and use*
- 38120 *Use of school band equipment on excursions to foreign countries*
- 39801.5 *Transportation for adults*
- 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*
- 49014 *Public School Fair Debt Collection Act*
- 49065 *Charge for copies*
- 49066 *Grades, effect of physical education class apparel*
- 49091.14 *Prospectus of school curriculum*
- 49557.5 *Unpaid school meal fees*
- 51810-51815 *Community service classes*
- 52612 *Tuition for adult classes*
- 52613 *Nonimmigrant foreign nationals*
- 56504 *School records; students with disabilities*
- 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*
- 4600-4687 *Uniform complaint procedures*

UNITED STATES CODE, TITLE 8

- 1184 *Nonimmigrant students*

COURT DECISIONS

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- Driving School Assn of CA v. San Mateo Union HSD (1992) 11 Cal. App. 4th 1513*
- Steffes v. California Interscholastic Federation (1986) 176 Cal. App. 3d 739*
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Pupil Fees, Deposits and Other Charges, Fiscal Management Advisory 17-01, July 28, 2017

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