

SOLICITATIONS AND FEES - ADMINISTRATIVE REGULATIONS

I. Contributions and Solicitations

A. Solicitations Involving Pupils

1. Definition of Terms

Pupil involvement includes the direct or indirect use of pupils in all activities connected with fund-raising drives and solicitations, except in those cases where pupils act as messengers for school-to-home communications.

2. In keeping with the intent of the State Constitution and recent court decisions regarding free public schools and equitable financial support of schools, solicitations to raise funds for support of an educational program are permitted under the following conditions:

- a. The Board of Trustees working through the District Superintendent and/or the principal of the school has approved the solicitations.
- b. Fund-raising activities and solicitations conducted during the school day shall not interfere with the usual conduct of the school and shall involve a minimum of interference with classroom instruction.
- c. It has been made clear that such solicitation is a request for an entirely voluntary contribution and shall not be conducted in a coercive fashion. Unless otherwise approved by the Board of Trustees and/or the principal, solicitations shall not contain rewards or incentives for individual participants other than the general benefit for which the solicitation is made.
- d. The funds collected from solicitations not sponsored by PTA, parent organizations or student body organizations, shall be deposited in a trust account under the directions of a district employee approved by the Board to act as trustee. (cf. EC 48933 for depositing of funds in student body accounts)
- e. The Assistant Superintendent-Business Services will establish specific procedures to insure that funds are drawn in accordance with the purposes for which the fund was established and that all financial transactions are auditable.

3. Solicitations for support of co-curricular programs, class parties, snacks and other

activities are to be carried out under the same conditions specified for solicitations made in support of educational programs. Such solicitations are to be considered a request for a voluntary contribution, and no incentive or reward shall be given to participants unless otherwise approved by the Board of Trustees and/or prior approval by the Board's designee has been given.

4. Criteria to be Applied When Reviewing Requests for Solicitations

The following criteria shall be applied when requests for solicitations are presented for approval:

- a. The extent to which the district is being placed in support of one company or industry to the exclusion of others by endorsing the product being promoted.
- b. The extent to which district resources, including class and teacher time, are being diverted to the proposed promotion and whether such use of resources is warranted in terms of benefits received. (See also pp 11.a.b above)
- c. The extent to which the product promoted or sold is consistent with the objectives of the district's educational programs.
- d. The extent to which the product promoted or sold advances or assists educational programs operated by the district.
- e. The extent to which the product promoted or sold is a luxury item or is more expensive than competing products.
- f. The extent to which the district is incurring the risk of a legal liability by selling or promoting a product.

5. Limitations in Door-to-Door Solicitations

- a. Pupils enrolled in schools maintained by the Pleasanton Joint School District shall not participate in door-to-door solicitations for funds by school-connected or school sponsored organizations.
- b. High school pupils who are participating in solicitations for funds by school-connected or school-sponsored organizations shall adhere to local city and county ordinances regarding door-to-door sales. Such ordinances require the following information to be submitted to the Pleasanton Police Department and the Alameda County Sheriff's Office:

- (1) purpose of the proposed solicitation and use to which any contribution will be devoted
- (2) the name of the organization on whose behalf contributions are to be solicited and names of principal officers and advisors
- (3) if solicitations are conducted within the City of Pleasanton, a permit must be obtained from the Pleasanton Police Department. For solicitations in unincorporated areas, a letter must be on file with the sheriff's office.

B. Solicitations Not Involving Pupils

Pursuant to Board policy, no parent organization shall be denied the right to conduct direct solicitation of parents as long as pupils are not involved in solicitation efforts, except in those cases where pupils act as messengers between school and home.

C. Contributions

Voluntary contributions to the district may be made by individuals or organizations in accordance with Policy 3130.

II. Fees or Charges

A. Unless otherwise authorized by law and Board policies, pupils and parents shall not be required to pay fees, deposits or charges for services and supplies that come within the regular instructional program of their school. Specifically, the following types of charges are prohibited:

1. Charges for use of textbooks and supplemental books. (EC 60070, 5 Cal. Adm. Code 350)
2. Charges for writing and drawing paper, pen, ink, crayons, pencils and other necessary instructional supplies including expendable supplies and materials in homemaking, laboratory or shop classes. Where materials have been supplied by the district to pupils, any item fabricated by the pupil from such material may be sold to the pupil at the cost of the material. (EC 39526, 40011)
3. If standardized attire is required for physical education classes, the pupils or parents may request that the district provide the specified gym shoes/suits (EC 40011). Otherwise, "suitable attire" (i.e., that which does not restrict movement, create a safety hazard, or damage equipment or facilities) may be required for participation in gym classes; this attire to be provided by the pupil.

If pupils are required to shower, no fee shall be levied for towel service. (EC 49066 (b))

4. Deposits in the nature of a guarantee that the district would be reimbursed for loss to the district on account of breakage, damage to or loss of school property. This includes deposits on locks, lockers, books, apparatus, musical instruments or uniforms, or "other equipment if the use of the equipment is necessary to pursue any required course, or course for which scholastic credits are given." (Ops. Cal. Atty. Gen. No. NS-2469, dated 3-30-40).
5. Fees for home-to-school transportation for handicapped pupils. (EC 39807.5)
6. An admission charge to an exhibit, fair, theater or similar activity when a visit to such places is part of the district's educational program. (5 Cal. Adm. Code 350)
7. A tuition fee or charge as a condition to enrollment in any class or course of instruction (except adult education), including a fee for attendance in a summer school vacation school, a registration fee, a fee for a catalog of courses, a fee for an examination in a subject, a late registration or program change fee, a fee for the issuance of a diploma or certification, or a charge for lodging.
8. Membership fees in a student body or any student organization as a condition for enrollment or participation in athletic or other activities sponsored by the school.
9. Admission and other fees connected with a field trip: A school shall not require a fee for a pupil in connection with a field trip or similar activity which is part of the regular educational program curricular, nor may a pupil be required to pay an admission fee to participate in such co-curricular activity. Time spent in co-curricular activity cannot be counted in the computation of average daily attendance. (EC 35330)

Where the Board of Trustees is required to provide medical/hospital services or accident insurance, the cost of the insurance may be paid by the district or by the insured pupil or his/her parent. (EC 35331) In the case of out-of-state field trips or excursions, no expense of pupils may be paid with district funds. (cf EC 3530 for details)

Pupils away from school have the option to take food from home, buy it from school, or buy it from another source. (Refer to Policy 3420 regarding regulations pertaining to food sales.)

Pupils enrolled in a school camp or outdoor education program may be charged a fee provided such program and fee is not mandatory and that no pupil will be denied the opportunity to participate because of lack of funds. (EC 35335)

- B. The following fees and charges are specifically authorized by law and are excepted from the general rule prohibiting the imposition of fees:
1. A school district furnished materials to a pupil may sell to the pupil, at cost, items the pupil has fabricated from such materials. (EC 39526)
 2. A district may charge pupils for transportation to and from school. (EC 39804, 39807.5, 39837; AB 1595, Ch. 776, 11-79)
 3. School districts are authorized to establish cafeterias and sell food to pupils. (EC 39870, 39874, 39876)
 4. The parent or guardian of any minor whose willful misconduct results in injury or death to any pupil or any person employed by or performing volunteer services for a school district or who willfully cuts, defaces, or otherwise injures in any way any property, real or personal, belonging to a school district, or personal property of any school employee shall be liable for all damages so caused by the minor. The liability of the parent or guardian shall not exceed \$5,000.
 5. The parent or guardian shall also be liable for the amount of any reward not exceeding \$5,000 paid pursuant to Section 53069.5 of the Government Code.
 6. The parent or guardian of a minor shall be liable to a school district for all property belonging to the school district loaned to the minor and not returned upon demand of an employee of the district authorized to make the demand.
 - a. Any school district whose real or personal property has been willfully cut, defaced, or otherwise injured, or whose property is loaned to a pupil and willfully not returned upon demand of an employee of the district authorized to make the demand may, after affording the pupil his or her due process rights, withhold the grades, diploma, and transcripts of the pupil responsible for the damage until the pupil or the pupil's parent or guardian has paid for the damages.
 - (1) The school district shall notify the parent or guardian of the pupil in writing of the pupil's alleged misconduct before withholding the pupil's grades, diploma, or transcripts pursuant to this subdivision.
 - (2) When the minor and parent are unable to pay for the damages, or to return the property, the school district shall provide a program of voluntary work for the minor in lieu of the payment of monetary damages. Upon completion of the voluntary work, the grades, diploma, and transcripts of the pupil shall be released.

- (3) The Board of Trustees shall establish rules and regulations governing procedures for the implementation of this subdivision. The procedures shall conform to, but are not necessarily limited to, those procedures established in Policy 5150 for the expulsion of pupils.
7. School districts may impose a charge for field trips or excursions or outdoor education camps, principally for transportation or for admission to an event. The Code provides, however, that no pupil shall be prevented from making a field trip or excursion because of the pupil's lack of funds. (EC 35330, 35335)
8. Districts must make medical or hospital service or accident insurance available to pupils participating in field trips. The cost of the insurance may be required to be paid by the pupil or his/her parents. (EC 35331)
9. Governing boards may expend from the general fund of the district any money which is budgeted for community services to establish and maintain community service classes and may charge pupil fees not to exceed the cost of maintaining such classes or may provide instruction in such classes for remuneration by contract, or with contributions or donations of individuals or groups. (EC 51815)
10. A governing board may charge a tuition fee to adults for any class except classes in English and citizenship for foreigners, classes in elementary subjects and classes for which high school credit is granted when taken by a person not holding a high school diploma. (EC 52612)
11. In classes for adults, a district may require a refundable deposit on books (EC 60410) and may sell materials to pupils. (EC 52615, 39527)
12. Districts must provide, and each member of an athletic team must have, accidental, death, and medical insurance coverage. The cost of such insurance may be required to be paid by the pupil unless the pupil is unable to pay for such insurance. (EC 32220-4)
13. A school district may require a borrower of school band instruments, music, uniforms, and other regalia for use on an excursion to a foreign country to make a deposit. (EC 40015)
14. Pupils in a technical, agricultural, or natural resource conservation program may be charged for expenses of lodging and food. (EC 1806)
15. Pupils whose parents are actual and legal residents of an adjacent foreign country or an adjacent state may be charged a tuition fee.

16. The regulations of the governing board may provide for the sale of materials purchased from the incidental expense account to pupils in classes for adults, for use in connection with such classes. The proceeds of all such sales shall be deposited in that account and shall be available for the purpose of that account. (EC 52615) A high school district board may charge for textbooks used in classes for adults. (EC 60410)
17. The governing board of a school district may sell to persons enrolled in classes for adults maintained by the district such materials as may be necessary for the making of articles by such persons in such classes. The materials shall be sold at not less than the cost thereof to the district and any article made therefrom shall be the property of the person making it. (EC 39527)

III. Limitations on Promotional Activities of Community or Charitable Organizations
(Pleasanton district only)

In order to minimize interruptions of regular classroom activities, promotional activities such as Bike-athons and Walk-athons shall be limited to one event per year. Charitable organizations not approved for specific promotions may place up to five posters in each of the various schools.

Advertising of cultural events are limited to five posters. Flyers may be made available in the office of each of the schools.

Community youth organizations are permitted to distribute flyers after obtaining approval from the Educational Services Division.

Cross Reference:

Policy 3130 - Gifts, Grants and Bequests
Policy 3420 - School Lunch Program
Policy 1420 - Distribution of Materials, Notices, Posters and Announcements

Legal Reference:

Sec. 5, Art. IX, Constitution of State of California; 5 Calif. Adm. Code 350 and 16042; EC 1806, 32220, 32224, 35330, 35331, 35335, 39526, 39527, 39804, 39807.5, 39837, 39870, 39874, 39876, 40011, 40015, 48050, 48052, 48909, SB 70, Ch. 127; 48933, 49066(b), 51815, 52612, 52615, 60410, 60070. Minutes, State Board of Education, 12-10-76. Ord. #535, City of Pleasanton, 10-28-68. Ops. Calif. Atty. General #NS-2469, 3-30-40. State Department of Education memo (Jack P. Lieberman, Chief, Field Management Services Bureau), 10-19-79.

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DISTRICT SUPERINTENDENT
PLEASANTON UNIFIED SCHOOL DISTRICT
PLEASANTON, CALIFORNIA