

How to file a complaint regarding pupil fees

- Review the district's complaint procedures. A copy can be requested from the LEA office. The policy and process should be similar to the information provided in the UCP brochure at <http://www.cde.ca.gov/re/cp/uc/>.
- A pupil fee complaint may be filed with the principal of a school. Follow the directions, steps, and timelines in the LEA's complaint procedures. If you have questions about the procedures, contact the entity identified in the complaint procedure.
- A pupil fee complaint must be in writing and can be filed by a student, parent, or interested parties or organizations. It must be filed within one (1) year of the date the alleged fee was imposed.
- A pupil fee complaint may be filed anonymously if the complaint provides evidence or information leading to evidence to support an allegation of noncompliance with *EC* sections 49010–49011 regarding pupil fees.
- The public school has 60 days to complete an investigation into the allegations and prepare a final written report that is to be sent to the person(s) who filed the complaint. During this process, the complainant must be given an opportunity to submit evidence.
- If there is disagreement with the Decision, an appeal to the CDE can be made within 15 days of receiving the final Decision.
- If the public school finds merit in a complaint, the public school shall provide a remedy to all affected pupils, parents, and guardians that, where applicable, includes reasonable efforts to ensure full reimbursement to all affected pupils, parents, and guardians, subject to 5 *CCR* Section 4600 subdivision (u).

How to file an appeal regarding pupil fees

- Prior to filing an appeal with the CDE, the appellant must have filed a complaint with the public school or LEA;
- An appeal to the CDE should be in writing and signed;
- An appeal to the CDE should include a copy of the original complaint and the school district's final decision on the complaint,
- Appeals should be mailed to:
Categorical Programs Complaints Management Office
California Department of Education
1430 N Street, Suite 6408
Sacramento, CA 95814-5901
- The CDE shall issue a written decision and provide a copy of the written decision to the appellant within 60 days of the CDE's receipt of a complete appeal.
- If the CDE finds merit in an appeal, the public school shall provide a remedy to all affected pupils, parents, and guardians that, where applicable, includes reasonable efforts to ensure full reimbursement to all affected pupils, parents, and guardians, subject to 5 *CCR* Section 4600 subdivision (u).

Guidance for students, parents and others when filing a complaint or appeal

- Review Fiscal Management Advisories at <http://www.cde.ca.gov/re/lr/fm/> for guidance as to whether the fee in question is allowable by law.
- An appeal must specify the basis for the appeal and whether the facts are incorrect and /or the law is misapplied.

For additional information regarding the UCP, visit the CDE UCP Web page at <http://www.cde.ca.gov/re/cp/uc/>.



California Department of Education

Complaints Related to the Imposition of Pupil Fees for Participation in Educational Activities

**Categorical Programs
Complaints Management Office**

April 2014

What the Law States

California Constitution

The Legislature shall provide for a system of common schools by which a free school shall be kept up and supported in each district at least six months in every year, after the first year in which a school has been established.

California Education Code (EC) Section 49011 subdivision (a)

A pupil enrolled in a public school shall not be required to pay a pupil fee for participation in an educational activity.

EC Section 49010

- (a) "Educational activity" is defined as 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" is defined as a fee, deposit or charge imposed on pupils, or a pupil's parents or guardians, including but not limited to:
- (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.

EC Section 49011

- (b) All of the following apply to the prohibition on pupil fees identified in subdivision (a):
- (1) All supplies, materials, and equipment needed to participate in educational activities shall be provided to pupils free of charge.
 - (2) A fee waiver policy shall not make a pupil fee permissible.

What the Law States (Continued)

EC Section 49011 (Continued)

- (b) All of the following apply to the prohibition on pupil fees identified in subdivision (a):
- (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 a fee or purchase of additional supplies that the school district or school does not provide.
 - (4) A school district or school 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 a school district or school shall not remove course credit or privileges related to educational activities, or otherwise discriminate against a pupil, because the pupil's parents or guardians did not or will not provide money or donations of goods or services to the school district or school.
- (c) The solicitation of voluntary donations of funds or property, voluntary participation in fundraising activities, or the providing of prizes or other recognition to pupils for voluntarily participating in fundraising activities is not prohibited.
- (d) The imposition of a fee, deposit, or other charge otherwise allowed by law is not prohibited.

EC Section 49013

- (d) If a public school finds merit in a complaint, or the department finds merit in an appeal, the public school shall provide a remedy to all affected pupils, parents, and guardians that, where applicable, includes reasonable efforts by the public school to ensure full reimbursement to all affected pupils, parents, and guardians, subject to procedures established through regulations adopted by the state board.
- (e) Information regarding these requirements shall be included in the annual notification distributed to pupils, parents and guardians, employees, and other interested parties pursuant to *California Code of Regulations*, Title 5 (5 *CCR*) Section 4622.

What the Law States (Continued)

EC Section 49013 (Continued)

- (f) Public schools shall establish local policies and procedures to implement these laws.

What the Regulations State

5 *CCR*, Chapter 5.1, Section 4600, et seq. establishes Uniform Complaint Procedures to be followed for complaints which allege noncompliance with the provisions of *EC* sections 49010–49011 regarding pupil fees. The regulations require:

- Each local educational agency (LEA) to annually notify in writing, as applicable, its students, employees, parents or guardians of its students, the district advisory committee, school advisory committees, appropriate private school officials or representatives, and other interested parties of their complaint procedures and include information regarding the requirements of *EC* sections 49010–49013 relating to pupil fees.
- The LEA should issue a Decision (Decision) based on the evidence. The Decision shall be in writing and sent to the complainant within 60 days from receipt of the complaint by the LEA. The Decision should contain:
 - (1) the findings of fact based on the evidence gathered
 - (2) conclusion of law
 - (3) disposition of the complaint
 - (4) the rationale for such disposition
 - (5) corrective actions, if they are warranted, including, with respect to a pupil fees complaint, a remedy that comports with *EC* Section 49013 subdivision (d)
 - (6) notice of the complainant's right to appeal the LEA Decision to the California Department of Education (CDE)
 - (7) procedures to be followed for initiating an appeal to the CDE.