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**School Fees, Rule**

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**The Background:**

School fees are governed by state law and rule, and local board of education policy. Only those fees authorized by the local board of education may be requested, and payment of "school fees" may not be a condition to attending the public school or using its equipment. (TCA § 49-2-110(c)). In other words, no student may be required to pay fees for workbooks, lab fees, field trips during the school day, etc.

Statutes (TCA § 49-2-114) and State Board of Education Rules define school fees. State Board Rule 0520-1-3-.03(14), available online at: <http://state.tn.us/sos/rules/0520/0520-01/0520-01-03.pdf>. This rule notes, for example, that schools may request, but no students may be required to pay a fee "for activities and supplies required to participate in all courses offered for credit or grade, including interscholastic athletics and marching band if taken for credit in accordance with local board policies."

Confusion has arisen, however, because TCA 49-2-114 required the Board to promulgate rules for waiving school fees for students eligible for free and reduced price lunch. In some instances, this statute and the accompanying rules appear to have been interpreted to mean that school fees may *only* be waived for students based on familial income.

The rules have been revised to clarify that even though schools may request school fees no one may be required to pay those fees, regardless of income. This is in line with the state constitution and attorney general opinions. Some districts already address this (see the attached letter).

**The Master Plan Connection:**

This item ensures that students have access to rigorous, relevant curricula and that sufficient resources are allocated for those curricula.

**The Recommendation:**

The State Board staff recommends approval of this item on final reading.

**RULES  
OF  
THE STATE BOARD OF EDUCATION**

**CHAPTER 0520-1-3  
MINIMUM REQUIREMENTS FOR THE APPROVAL  
OF PUBLIC SCHOOLS**

0520-1-3-.03 Administration of Schools, Requirement B

(13) School Fees.

- (a) School systems may request but not require payment of school fees. No fees may be required of any student, regardless of financial status (including eligibility for free or reduced price lunch), as a condition of attending public schools or using its equipment while receiving educational training. Before fees may be requested, they must be authorized by the board of education.
- (b) Local board policy will determine activities during the school day and supplies that are required for participation in courses offered for credit or grade for which the board authorizes the requesting of fees. The board shall adopt a policy consistent with this rule by which to waive such fees for any student, including students eligible for free or reduced price school lunches.
  - 1. At the beginning of the school year, at the time of enrollment, and/or at the time of requesting school fees, all students and their parents or legal guardians shall be given clear and prominent written notice of the fee waiver process.
  - 2. The parent or legal guardian of a student shall be given the opportunity to pay all or any portion of the school fee if they desire. However, if the parent chooses not to pay a fee, the child may not be prevented from participating in the activity or course for which the fee is being requested.
- (c) School fees are defined as:
  - 1. Fees for activities that occur during regular school hours, including field trips, any portion of which fall within the school day;
  - 2. Fees for activities and supplies required to participate in all courses offered for credit or grade, including interscholastic athletics and marching band if taken for credit in accordance with local board policies;

(Rule 0520-1-3-.10, continued)

3. Fees or tuition applicable to courses taken for credit or grade during the summer by a student; except that non-resident students regularly enrolled in another school system may be required to pay fees or tuition for such summer courses;
4. Fees required for graduation ceremonies;
5. Fees for a copy of the student's record; and
6. Refundable security deposits collected by a school for use of school property for courses offered for credit or grade, including interscholastic athletics and marching band if taken for credit in accordance with local board policies.

(d) School fees do not include:

1. Fines imposed on all students for late-returned library books; parking or other traffic fines imposed for abuse of parking privileges on school property; or reasonable charges for lost or destroyed textbooks, library books, workbooks or any other property of the school;
2. Debts incurred pursuant to Rule 0520-1-3-.03(13), Withholding of Student Grades for Debts Owed to the School;
3. Refundable security deposits collected by a school for use of school property for participation in extracurricular activities;
4. Costs for extracurricular activities occurring outside the regular school day including sports, optional trips, clubs or social events; and
5. Non-resident tuition charged of all students attending a school system other than the one serving their place of residence.

(e) Local education agencies shall provide written notice to parents or legal guardians of approval or denial of requests for fee waivers. Any denial shall contain the specific grounds for denial and shall afford the parent or legal guardian the opportunity for a personal meeting with the appropriate school personnel to discuss the validity of the denial.

(f) Local education agencies shall keep copies of any forms, notices and/or instructions used by schools in the waiver of fees and shall keep records of any denials, appeals of denials, and resolution of such appeals.

(14) Withholding of Student Grades for Debts Owed to the School.

(Rule 0520-1-3-.10, continued)

- (a) Local education agencies are authorized to withhold all grade cards, diplomas, certificates of progress or transcripts of a student who has taken property which belongs to a local education agency, or has incurred a debt to a school, until such student makes restitution in full. Unpaid school fees, as defined above, may not be considered debts owed to the school.
- (b) No student shall be sanctioned under the provisions of this rule when the student is deemed to be without fault for the debt owed to the local education agency or the school.
- (c) Nothing in this subparagraph authorizes any local education agency to limit the rights of parents to have access to their children's educational records pursuant to the Family Educational Rights and Privacy Act.
- (d) Local education agencies shall afford the student and/or the student's parent the opportunity to appear and be heard if such student and/or the parent disputes the debt, the amount of the debt, or the application of sanctions.



July 15, 2008

Dear families of Williamson County students:

Student fees for certain supplies needed for instruction in our schools have been approved by the Williamson County Board of Education. This funding provides items that are necessary to make your students' learning experiences the best that they can be.

You do need to know, however, that the Tennessee Law regarding school fees states the following: "The school shall not require any student to pay a fee to the school for any purpose, except as authorized by the board of education, and no fees shall be required of any student as a condition to attending the public school, or using its equipment while receiving educational training."

We appreciate the additional monetary support from all of our families. We hope that you will see the benefit in being partners with the schools in this effort.

Sincerely,

A handwritten signature in cursive script that reads "Rebecca S. Sharber".

Rebecca S. Sharber  
Director of Schools  
Williamson County