

SCHOOL FEES

(Information from the Iowa DOE web site.)

Districts are authorized by law to charge seven (7) types of fees, as follows:

1. Textbook Rental Fees. Iowa Code section 301.1 states that a district is authorized to rent textbooks to its pupils "at such reasonable fee as the board shall fix, and said money so received shall be returned to the general fund." That statute defines "textbooks" to include "books and loose-leaf or bound manuals, systems of reusable instructional materials or combinations of books and supplementary instructional materials which convey information to the student or otherwise contribute to the learning process, or electronic textbooks, including but not limited to computer software, applications using computer-assisted instruction, interactive videodisc, and other computer courseware and magnetic media."

2. Eye Protective Devices. Every student and teacher must wear "industrial quality eye-protective devices" in certain vocational or industrial arts courses. Iowa Code section 280.10 is the authority for requiring payment for the devices.

3. Ear Protective Devices. Similar to above, but the statutory authority is in Iowa Code section 280.11.

4. Summer School Courses. Note that the Iowa Legislature states that "...fees may be charged covering instructional costs for a summer school or drivers education program." Iowa Code section 282.6 [emphasis added]. Therefore, charges for summer school courses or driver education courses are not tuition, and may be charged. However, because these are "fees," the waiver provisions must apply.

5. Driver Education Courses. See #4 above. In addition, note that a waiver must be provided to all eligible students even if the district provides driver education through a private provider such as AutoPilots or DriveTech. Iowa Code section 321.178(1) requires every public school district in Iowa to "offer or make available to all students residing in the school district or Iowa students attending a nonpublic school in the district an approved course in driver education." This means that driver education must be made available to students who reside in the district but who are not regularly enrolled, such as students attending a nonpublic school or students who receive competent private instruction (home schooling). The waiver applies to them, too.

6. Discretionary Transportation. Elementary students who reside more than two miles and secondary students who reside more than three miles from their attendance centers are entitled to free transportation. A district does not have to provide transportation to resident students who are not entitled to free transportation.

However, if a district does offer such discretionary transportation, it may charge a fee which may not exceed its actual costs. Iowa Code section 285.1(1)(d).

7. School supplies. Not all supplies may truly be called "school supplies." If an item is essential to the instruction of a class, the item is part of tuition and must be supplied for free. For instance, a district may NOT charge a fee for art supplies for art class and chemicals for science class because these are items necessary or essential to the instruction of those classes. On the other hand, if a student voluntarily desired to "upgrade" his materials in a project in a woodworking course (for example, go from pine to cherry wood), the student would have to pay for the upgrade. The district must provide the basic pine for the instruction, but the student pays for voluntarily choosing a better quality of wood.

A fee may be charged for paper, pencils, or pens purchased by the district and used by students because, while "clearly important to the education process," they are "not essential to the teacher's presentation of a course." OAG #79-12-22. These supplies may be sold to students at cost or rented for a reasonable fee.

And where there are fees charged, of course, there must be waivers. Chapter 18 of the DE 's rules requires that all students be afforded equal access to course offerings and related activities to meet their needs and interests. Accordingly, the rules in that chapter govern fee waivers. There must be a board policy that shall include provisions for granting a waiver (also called a full waiver), partial waiver, or temporary waiver of student fees upon application by the student.

a. Full Waiver. A student shall be granted a waiver of all fees if:

1. The student or student's family meets the financial eligibility criteria for free meals offered under the Child Nutrition Program;
2. The student or student's family meets financial eligibility criteria for participation in the Family Investment Program (FIP);
3. The student or student's family is eligible for transportation assistance under open enrollment provided under 281-subrule 17.9(3); or
4. The student is in foster care. This is an automatic qualifier, and is not contingent on the financial health of the student or student's family.

NOTE: SSI eligibility is no longer a qualifier because a student may qualify for SSI without regard to financial circumstances.

b. Partial waiver. A school district shall grant a student either a partial waiver of all student fees if the student or the student's family meets the financial eligibility criteria for reduced price meals offered under the Child Nutrition Program. A partial waiver shall be based on a sliding scale related to an ability to pay.

c. Temporary waiver. At the discretion of the school district, a student may be granted a temporary waiver of a fee or fees [note that it does not have to be all fees] in the event of a temporary financial difficulty in the student's immediate family. A temporary waiver may be applied for and granted at any time during a school year. The maximum length of a temporary waiver shall be one year. Discretion means just that; this is not a mandatory waiver.

Finally, there are some do's and don't's to pay attention to:

- * DO NOT require all students to purchase an activity ticket. A district may charge for the activity ticket, but its purchase is voluntary. And because it's a voluntary purchase, waivers do not apply.

- * DO have all required board policies in place. These policies must address the charging and collecting of fees for course offerings and related activities (the seven allowable fees); discretionary transportation (if a district provides discretionary transportation, say so in policy and address the fees in policy); and provisions for full, partial, and temporary waivers (with income guidelines). These policies must be given to students or families at the time of registration or enrollment. For students or families whose primary language is other than English, the school shall provide a copy of the materials in the student's native language or arrange for translation of the materials within a reasonable time.

- * DO NOT use or allow a booster club or PTO, etc., to charge a fee that the district is not allowed to charge directly. For instance, a district may not charge students a fee to participate in interscholastic athletics. Therefore, a booster club may not charge any type of assessment to students to participate in interscholastic athletics. These clubs may charge voluntary membership dues (which must be truly voluntary - no one can be forced to join the club or organization), may accept donations, and may sell tangible items as fund-raisers.

- * DO NOT charge a student a fee to participate in an extracurricular activity. There is dispute in the education legal community regarding whether a student may be charged the "school supply" fee for towel usage, transportation, etc. All districts should consult their local attorney about this. If a supply or transportation fee is charged, it is subject to full or partial waiver. But there is no dispute over the fact that a student is NOT to be charged a fee for the privilege of participating in an extracurricular activity.

Collecting money owed from students for school lunch or unpaid fees or fines can be a frustrating experience. Both school districts and nonpublic schools need to be aware that certain debt collection practices are prohibited by law. A school or school district is prohibited by Iowa Code chapter 537 (the Consumer Credit Code) from doing any of the following:

1. Posting a list of names of students who owe money - even if the amount is not listed.

2. Communicate to anyone except the student and student's family that money is owed. This does not prohibit a school from hiring an attorney or agent to collect the debt. Nor does it prohibit a school, once judgment is obtain, from legally collecting on the judgment by garnishing wages or seizing bank accounts of the debtor.

3. Send a note home with a student if anything on the outside of the envelope indicates that the letter is about money owed to the school.

4. Withhold grade reports or diplomas until money is paid in full, or prohibit a student from participating in commencement exercises.

Although the question arose in the context of school lunch, the above information applies to any debt owed to a school or school district. Protect yourselves and know what chapter 537 does and does not allow. There are large fines associated with violating chapter 537. The one legal option is to sue the responsible party (usually a parent or guardian) in small claims court.