

In response to parent concerns, the Louisiana Legislature has taken several actions over the past few years to address student fees:

- [House Concurrent Resolution 137](#) of 2016: Requested the State Board of Elementary and Secondary Education to study the prevalence and use of student fees in public schools
- [House Resolution 183](#) of 2017: Requested governing authorities of public schools and all nonpublic schools that participate in the voucher program to adopt policies with regard to student fees
- [House Concurrent Resolution 63](#) of 2018: Created a task force to study the assessment of fees to students at public and certain nonpublic elementary and secondary schools
- [Act 240](#) of 2019 (State Law): Requires each public school governing authority to adopt and publish on its website a policy for the assessment, collection, and use of fees. Requires specified components to be included in such policies including fee lists, amounts and use, a process for requesting waivers due to economic hardship, and an appeals process when waivers are denied. Requires each public school to publish the policy on its website and include it in the school's student handbook. Also provides for requested school supplies.

Background

The Louisiana State Constitution (Article 8, Section 13) makes it clear that state funding appropriated to local school systems shall be used to provide free school books and other materials of instruction to elementary and secondary students.

State law (R.S. 17:81) gives broad authority to local school districts to establish board policies, all in accordance with the Constitution. Additionally, R.S. 17:112 states that “No education record of any student may be withheld as the result of lack of payment of any fine, debt, or other outstanding obligation.”

R.S. 17:3991 provides that a charter school (authorized by a local school board or by BESE) shall not charge any student any tuition or an attendance fee of any kind.

Act 240 of the 2019 Regular Legislative Session (R.S. 17:177) now requires public school governing authorities and schools participating in the Student Scholarships for Educational Excellence Program to adopt policies, no later than December 1, 2019, relative to the assessment, collection, and use of fees charged to students or their parents or legal guardians. The policy must contain specified components, be published on each school’s website, and be revised annually as necessary. The Louisiana Department of Education (LDOE) is required to report to the Legislature no later than December 31, 2019, on the implementation and compliance of this new law by local school systems and certain non-public schools.

Guidance

In accordance with the new law, the LDOE will be reviewing each school governing authority’s student fee policy and documenting whether it complies with all legal requirements. The following serves as guidance to assist with implementation.

Q: What must the student fee policy contain?

A: Student fee policies must contain a list of all fees, including the purpose, use and the amount or authorized range for each. Fees charged for the same item or service must be consistent among all schools under the jurisdiction of the school governing authority. The policy must also expressly prohibit the assessment of a fee not authorized by the policy.

The fee policy is required to include a statement that failure to pay any required fee shall not result in the withholding of a student's educational record, in accordance with R.S. 17:112.

Q: What is considered a fee, and what types of fees are allowed?

A: "Fees" mean any monetary payment or supplies required as a condition of a student being enrolled in school or participating in any curricular or co-curricular activity. Fees do not mean the cost of school meals. A public education in Louisiana is to be provided to students at no cost, meaning that students are not to be required to pay any fee as a condition of being admitted to, enrolling in, or attending a public school. Fees labeled such as registration fees, attendance fees, homeroom fees, class fees, fees to access class schedules, and other fees charged universally to all students enrolled in the school are strongly discouraged, as they imply that such fees are a condition of the student's ability to access a free public education.

If the school deems it necessary or beneficial for all students to receive an item such as an identification badge, use of a locker, or technology device, the LDOE advises against charging a fee for the original item, as it could violate the guarantee of a free public education. Instead, the school should charge only for replacement items or the cost of repairing damages.

Q: What is considered a curricular or co-curricular activity?

A: Bulletin 741 defines such activities as those that are relevant, supportive, and an integral part of the program of studies in which the student is enrolled, and that are under the supervision and/or coordination of the school instructional staff.

Q: R.S. 17:3991, which applies to local- and state-authorized charter schools but also mirrors language in the Constitution ensuring a free public education to elementary and secondary students, prohibits "an attendance fee of any kind." What is considered an attendance fee?

A: Any fee communicated as mandatory and/or communicated as being an expectation for all students attending a public school, rather than an optional activity, item, or service, is considered an attendance fee.

Q: Is it possible to include an authorized range of school fee amounts within the policy?

A: The law does mention authorized ranges for fees, but also states that "fees charged for the same item or service shall be consistent among all schools under the jurisdiction of the school governing authority." There may be instances where a fee may need to be more or less for a particular grade, subject, or course (e.g., introductory art course versus advanced art course), but they should be consistent among all schools within the school system.

Q: May authorized fees be published in a separate fee schedule or document, apart from the approved policy?

A: The law states, “Each policy shall contain, at a minimum...a list of all fees, including the purpose, use, and the amount or authorized range for each.” A policy should, therefore, describe all fees charged and include, at a minimum, an authorized range for each. If a policy authorizes or refers to a separate document or fee schedule for the exact amount of fees to be charged within a given school year, that document or fee schedule should also be publicly available on the school system’s website and included in the student handbook. Any revisions to the document or fee schedule should be in accordance with the approved policy and should be clearly communicated to parents and the public in a timely manner. Desired revisions to any supplemental documents or fee schedules that are not authorized by the approved policy should be voted upon by the school governing authority.

Q: School governing authorities are required to include in their policies how each fee is collected and spent. What level of detail is required?

A: The law does not specify the level of detail that must be included, but the policy should be clear and detailed enough to support parent and citizen understanding of what specific fees are being charged, how they are collected, and how fee revenue will be used to support the students who pay them. The policy should delineate the item or service to be provided to the student using the fee revenue collected. Consider the following:

- What specific costs exist, above and beyond the free school books and materials of instruction that are to be provided, that necessitate the fee? What exactly is the fee purchasing or funding?
- Who at the school will collect fees?
- How will the school ensure proper accounting and oversight of funds collected and spent for the intended purpose?
- What types of payment are acceptable (cash, check, money order, online payment)?
Note: Schools are discouraged from allowing “in-kind” payment for fees, which are difficult to quantify and apply consistently, increase the likelihood of identifying a low-income student, and may not be feasible for low-income families who work or have other extenuating circumstances.

Q: School governing authorities must include, in their policy, a description of how a student, parent, or legal guardian may request and receive an economic hardship waiver. How should such a waiver process be managed?

A: The law requires economic hardship waivers to include objective criteria on which waivers will be approved or denied. They may include consideration of the following:

- Student’s family is receiving unemployment benefits or public assistance including Temporary Assistance for Needy Families (TANF), Supplemental Nutrition Assistance Program (SNAP), Supplemental Security Income (SSI), or Medicaid;
- Student is in foster care or the family is caring for children in foster care;
- Student and student’s family are homeless;

- Student’s parent(s) or legal guardian(s) are serving in, or within the previous year has served in, active military service;
- Student is eligible for free or reduced priced meals in schools not participating in the Community Eligibility Provision Program (or would be eligible for free or reduced price meals based on family income); or
- Student is an emancipated minor.

Governing authorities are encouraged to include an economic hardship waiver confidentiality provision in the policy to protect the privacy of any students and families who apply for such a waiver. Students for whom fees are waived due to an economic hardship should never be discriminated against, nor be overtly identified by use of special tokens or tickets, announcements, posting or publication of names, physical separation, choice of materials, or by any other means.

The law states that all records associated with a fee waiver request due to economic hardship do not constitute a public record, but may be audited to ensure compliance with the school governing authority’s policy. The personally identifiable student information associated with such a waiver request shall not be made public.

The law also requires that the student fee policy include an appeal process to the local superintendent or his designee for an economic hardship waiver request that is initially denied. The policy should identify the superintendent or his designee by name, contact information (ideally a phone number and email address), and clear instructions on how the parent can submit the appeal request. The initial waiver request and appeal processes should not be overly burdensome as to discourage or limit submissions, and should be responded to in a timely manner.

Q: What does the new law require with regard to school supplies?

A: The law (R.S. 17:178) states that requested school supplies (not “required,” as schools may not require students to purchase or provide any certain supplies as a condition for attending a public school) must be approved by the school principal and shall not exceed a published amount per student per school year as determined by the school’s governing authority. The LDOE recommends that any requested school supply fee and/or the total estimated cost of requested supplies be identified and included in the school system’s published policy, where the public will access other information about fees, as to clearly communicate the approved maximum amount to parents and the public.

Prior to assessing a fee for school supplies or developing a school supply list, the school must give consideration to the existing school supply inventory what is truly needed to support the student’s educational experience. No student may be denied the opportunity to participate in a classroom activity due to his or her inability to provide requested supplies.

Schools should ensure that requested supplies do not exceed what is practical for students to consume in a given school year. Requested supplies should be limited to items that are beneficial to the student directly, more so than general school or classroom supplies (chalk, dry erase markers, toilet paper, general staff office supplies) that should be financed by the school system.

Q: Are required uniforms considered part of a fee policy?

A: Many schools and school systems opt to require students to adhere to a certain school uniform policy. While uniforms are not specifically mentioned in state law with regard to student fees, schools are encouraged to ensure that uniform policies permit families to purchase uniforms from multiple vendors at an affordable cost. Caution should be used in requiring expensive patterns, embroidery, monograms, accessories, and other items that drive up costs for families and may cause an economic hardship. Schools are also discouraged from requiring that all uniforms be purchased through the school or one particular vendor, as this could constitute a fee and limit family options and affordability.

Q: How should the school fee and supply policy be made available to parents and the public?

A: The law requires that the policy be published on the school system's website and in the school's student handbook, which must be provided to each student and parent or legal guardian at the beginning of each school year. School systems are advised to make such policy easily accessible on their website, to communicate the availability of the policy online, and to include in all communications the availability of economic hardship waivers for students who need them.

Q: Should policies include fees charged for dual enrollment courses?

A: Yes, the law requires that policies include all fees, defined as "any monetary payment or supplies required as a condition of a student being enrolled in school or participating in any curricular or co-curricular activity." Dual enrollment courses count toward high school graduation requirements and also afford students the opportunity to earn college credit. Schools are advised to ensure that all students have equal access to such course options and are not prevented from participating solely due to their inability to pay. Policies should identify any required fees and economic hardship waivers available to students who may need them.

Q: When must these new policies be in place? How and when will the LDOE review for compliance?

A: The law states that these policies must be adopted and published to the school system website no later than December 1, 2019. The LDOE is required to submit a formal report to the Legislature, which will be a public record, no later than December 31, 2019, on each school governing authority's implementation and compliance.

LDOE staff will advise in future school system newsletters as to the exact procedure for submission of information needed to conduct its review, as well as the rubric to be used. In the meantime, if not begun already, please initiate steps to draft a compliant policy for consideration by the school governing authority and make plans to include the approved policy in an easily accessible location on the school system website and within the next edition of student handbooks. Contact david.maestas@la.gov with any questions.