

COMMONWEALTH OF VIRGINIA
DEPARTMENT OF EDUCATION
P.O. BOX 2120
RICHMOND, VIRGINIA 23216-2120

SUPTS. MEMO NO. 95
May 13, 1994

INFORMATIONAL

TO: Division Superintendents

FROM: William C. Bosher, Jr.
Superintendent of Public Instruction

SUBJECT: General School Fees

I have heard from many of you regarding your concerns about funding the local share of the proposed free textbook system and the matter of school fees. Let me address these issues separately. The General Assembly has provided funding for a free textbook system as specified in section 22.1-251 of the Code of Virginia (1993), effective 1994-95. The projected entitlements from state funds were provided to you in Supts. Memo. No. 4 (Regulatory), dated March 15, 1994.

The issue of fees, aside from textbook fees, is a more complicated matter. Approximately one half of the divisions in the state report that they charge some form of user fee to students. Most of these fees have been in place for many years and represent local school board and community budgetary decisions.

A review of previous Supts. Memos., Code of Virginia provisions, and Board of Education regulations regarding this matter is somewhat confusing. Informational Supts. Memo. No. 171 (September 3, 1993) states that local school divisions have no authority to charge general instructional or material fees, based on opinions of the Attorney General and Board regulations; however, Board regulation VR 270-01-0036 states that a local school board can make supplies, services, and materials available to pupils at cost. In addition, 22.1-253 of the Code of Virginia permits local school boards to charge a user fee for consumable materials and 22.1-28 vests the supervision of schools in each division in a local school board.

I know that each of you work very hard to provide the best possible education for each child at the lowest feasible cost. I know that each of you favor a free system of public education. I also know that you face real and immediate 1994-95 budget issues which can only be solved at the local level. For that reason, I have asked the Board to forego any discussion of the elimination of user fees at the current time. I trust that each of you, in association with your board, will work conscientiously to keep fees as low as possible. I cannot say at this time that this issue will not be revisited in the future by the Board of Education and/or the General Assembly.

It is important, given the General Assembly's position on the free textbook issue, that local boards not place themselves in the position of replacing textbook rental fees with general instructional fees. If such a trend were to develop, I believe the final decision regarding the appropriateness of charging instructional fees would be decided in the halls of the General Assembly, rather than with each local board.

I trust that each of you have policies and regulations in place which will make provision for the waiver of all required fees for each child attending school whose parent or guardian is financially unable to pay such fees (Children who are receiving public assistance in the form of aid to dependent children, general relief, supplemental security income, foster care, or who are eligible for free or reduced price meals under the National School Lunch program).

Please give me a call at (804) 227-2755, or talk with Ms. Kathy Kitchen (804) 225-2025 if you have questions about this matter.

Thank you.

WCBJr/EWM/cp