

**Attachment B: Summary of Supplementary Information  
Regarding School Fees and Charges**

**Virginia Administrative Code (Virginia Board of Education Regulations  
Governing Fees and Charges)**

**Opinions from the Office of the Attorney General**

**Superintendents' Memoranda from 1993 and 1994**

# Virginia Administrative Code

## **8VAC20-370-10. Fees and charges.**

No fees or charges as noted below may be levied on any pupil by any school board unless authorized by the Board of Education; further, no pupils' scholastic report card or diploma shall be withheld because of nonpayment of any such fee or charge.

Fees may be charged for:

1. Class dues;
2. Voluntary student activities;
3. Night school classes;
4. Postgraduate classes;
5. Summer school;
6. Rental textbooks;
7. Musical instruments used in regularly scheduled instructional classes;  
and
8. Library fees.

Nothing in this chapter shall be construed to prohibit the school board of any county, city, or town from making supplies, services, or materials available to pupils at cost. Nor is it a violation to make a charge for a field trip or an educational related program that is not a required activity.

Deposits may be required when return of the item used results in a return of the fees deposited.

This chapter is not intended to cover operations of school stores or other fund raising activities. These activities are covered by opinions of the Attorney General and certain practices which may be approved by auditors.

Statutory Authority

§§22.1-6 and 22.1-16 of the Code of Virginia.

Historical Notes

Derived from VR270-01-0036 §1, eff. September 1, 1980.

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1981-82 Va. Op. Atty. Gen. 144, 1981-82 Va. Rep. Atty. Gen. 144, 1982 WL 175630 (Va.A.G.)

Office of the Attorney General  
Commonwealth of Virginia  
\*1 January 12, 1982

**DRUGS. SUBSTANCE ABUSE COUNSELING PROGRAM. FEES UNAUTHORIZED FOR PUBLIC SCHOOL STUDENTS TO AVOID EXPULSION.**

The Honorable John H. Chichester  
Member  
Senate of Virginia

You ask whether it is legally permissible for a local **school** board to offer students subject to expulsion for substance abuse infractions, a counseling program operated by the local Substance Abuse Services Agency (the "Agency"), as an alternative to expulsion. The program is, I understand, an educational and counseling regimen which involves both the child and the parents. A fee is charged by the Agency which is scaled to the income level and ability of the parents to pay. Those who are below a certain minimum income level are charged nothing for the service.

Under the plan envisioned by the local **school** board, no fee would be charged by the **school** board for reference to the Agency. The only fee imposed would be the Agency fee noted above. Failure to pay the fee by those whom the Agency determined were able to pay would result in their exclusion from the program and, therefore, their expulsion from **school**. Consequently, although the charge for the counseling program is not levied directly by the local **school** board, it must be scrutinized as an indirect charge by the board.

The General Assembly has the responsibility of providing a system of free public elementary and secondary education. See Art. VIII, § 1 of the Constitution of Virginia (1971). To effectuate this provision, the General Assembly has provided that **fees** may not be charged by **school** divisions except in specified circumstances. Section 22.1-6 of the Code of Virginia (1950), as amended, currently provides:

"Except as provided in this title or as permitted by regulation of the Board of Education, no **fees** or **charges** may be levied on any pupil by any **school** board. No pupil's scholastic report card or diploma shall be withheld because of nonpayment of any such fee or charge."

Certain **charges**, such as those for the cost of consumable materials and workbooks, are permitted by law. See § 22.1-253. Also, the Board of Education (hereafter "Board") by regulation permits **school** boards to charge **fees** for certain ancillary and optional services or items. [FN1] These regulations reflect prior Opinions of this Office which have held that it is permissible to charge **fees** for optional instruction in the use of musical instruments and for the optional rental of student lockers. See Reports of the Attorney General (1976-1977) at 248; (1964-1965) at 294. See, also, Annot., 41 A.L.R.3d 752 (1972).

Nothing in Title 22.1 or the regulations of the Board permit **charges** by local **school** divisions for substance abuse counseling. Instruction concerning drugs and drug abuse is required by law to be given in the public **schools**. See § 22.1-206. The Board has promulgated regulations to effectuate this requirement in the health education program which, among other things, oblige the public **schools** to:

\*2 "Create a climate whereby students may seek and receive counseling about substance abuse and related problems without fear of reprisal." Regulations Regarding Substance Abuse, State Board of Education, p. 105.

It is my opinion, based on the absence of statutory or regulatory authority for the **charges** envisioned in your request, that the payment of such **charges** may not be made a condition to the continued **school** enrollment of a student who is otherwise entitled under Art. VIII, § 1 to a free public education.

This does not mean that local **school** divisions are powerless to refer students subject to expulsion for substance abuse infractions to counseling. It may be that a student subject to expulsion voluntarily decides to commence counseling at an agency specializing in substance abuse problems. Also, § 22.1-279 provides that when a student under the age of 18 is expelled, the **school** board shall notify the appropriate officer or employee of the **school** the student attended. That officer then may develop a plan of services for the expelled student and contact any public agency where the student resides to determine if the agency can provide appropriate services for the student.

Current statutory provisions encourage **school** divisions to refer students expelled for substance abuse to a counseling agency. However, the proposed counseling program and payment of **fees** may not be imposed unless and until authorized by statute or the Board.

John Marshall Coleman  
Attorney General

[FN1] Current regulations of the Board regarding student **fees** and **charges** provide:  
"No **fees** or **charges** except as noted below may be levied on any pupil by any **school** board unless authorized by the Board of Education; further, no pupil's scholastic report card or diploma shall be withheld because of non-payment of any such fee or charge.

**Fees** may be charged for:

Class dues

Voluntary student activities

Night **school** classes

Postgraduate classes

Summer **school**

Rental textbooks

Musical instruments used in regularly scheduled instructional classes

Library **fees**

Nothing in this regulation shall be construed to prohibit the **school** board of any county, city, or town from making supplies, services or materials available to pupils at cost. Nor is it a violation to make a charge for a field trip or any educational related program that is not a required activity. Deposits may be required when return of the item used results in a return of the **fees** deposited." Regulations Regarding **Fees** and **Charges**, State Board of Education.

1981-82 Va. Op. Atty. Gen. 144, 1981-82 Va. Rep. Atty. Gen. 144, 1982 WL 175630 (Va.A.G.)  
END OF DOCUMENT

1991 Va. Op. Atty. Gen. 149, 1991 Va. Rep. Atty. Gen. 149, 1991 WL 531109 (Va.A.G.)

Office of the Attorney General  
Commonwealth of Virginia  
\*1 November 8, 1991

Mr. David T. Stitt  
County Attorney for Fairfax County  
4100 Chain Bridge Road  
Fairfax, Virginia 22030

My dear Mr. Stitt:

You ask whether the Fairfax County **School** Board lawfully may charge a \$100 annual parking fee to students who wish to park their cars on **school** property.

#### I. Applicable Constitutional and Statutory Provisions

Article VIII, § 1 of the Constitution of Virginia (1971) requires the General Assembly to "provide for a system of free public elementary and secondary **schools** for all children of **school** age throughout the Commonwealth." Article VIII, § 7 vests supervision of public **school** divisions in local **school** boards.

Section 22.1-6 of the Code of Virginia provides that, "[e]xcept as provided in this title [Title 22.1] or as permitted by regulation of the Board of Education, no **fees** or **charges** may be levied on any pupil by any **school** board."

Section 22.1-79(A) provides:  
A **school** board shall:

\* \* \*

3. Care for, manage and control the property of the **school** division...."

Section 22.1-131 also provides that "[a] **school** board may permit the use, upon such terms and conditions as it deems proper, of such **school** property as will not impair the efficiency of the **schools**."

#### II. **School** Board May Charge Fee for Optional Student Parking on **School** Property

Prior Opinions of this Office conclude that the requirement for a free public **school** system in Article VIII, § 1 bars local **school** boards from imposing student **fees** as a condition of **school** enrollment, but not from charging **fees** for optional or ancillary services or activities. See, e.g., 1981-1982 Att'y Gen. Ann. Rep. 144, 145 (**school** board may not condition student's continued enrollment on paid participation in drug counseling program).

Sections 22.1-79 and 22.1-131 give local **school** boards broad authority over the use of **school** property. Another prior Opinion of this Office concludes that charging for rental of student lockers, an optional service to students, is within the scope of a local board's authority. 1964-1965 Att'y Gen. Ann. Rep. 294. Still another Opinion concludes that a **school** division superintendent may not impose a student parking fee without the approval of the local **school** board. 1971-1972 Att'y Gen. Ann. Rep. 356. That Opinion does not question the authority of the local board to charge for student parking. Id. at 357.

Current regulations of the Board of Education ("State Board") adopted as permitted under § 22.1-6 provide that

[f]ees may be charged for:  
Class dues

Voluntary student activities

Night **school** classes

Postgraduate classes

Summer **school**

Rental textbooks

Musical instruments used in regularly scheduled instructional classes

Library **fees** Nothing in this regulation shall be construed to prohibit the **school** board of any county, city, or town from making supplies, services, or materials available to pupils at cost. Nor is it a violation to make a charge for a field trip or an educational related program that is not a required activity.

\*2 Bd. Educ., Regulations of the Board of Education of the Commonwealth of Virginia 21 (1980). In appropriate circumstances, a charge for parking can be considered both a payment for a "[v]oluntary student activit[y]" and a charge for a service made "available to pupils at cost" by a local board. Id.

Obviously, no student is required to drive a car to **school** or to park it on **school** property. Fairfax County offers free transportation to students who live beyond walking distance from their **schools**. Parking is, therefore, an optional use of **school** property that the Fairfax County **School** Board may provide as a service to its students who are licensed drivers. In my opinion, based on the above, the Fairfax County **School** Board is authorized to require students to pay a fee reasonably related to its cost for this optional privilege. Whether a charge of a particular amount is reasonable is a determination of fact to be made in the first instance by the **School** Board.

With kindest regards, I am

Sincerely,

Mary Sue Terry  
Attorney General

1991 Va. Op. Atty. Gen. 149, 1991 Va. Rep. Atty. Gen. 149, 1991 WL 531109 (Va.A.G.)  
END OF DOCUMENT

99-101

**EDUCATION: SYSTEM OF PUBLIC SCHOOLS; GENERAL PROVISIONS — PROGRAMS, COURSES OF INSTRUCTION, ETC. — BOARD OF EDUCATION — PUPILS – DISCIPLINE.**

**CONSTITUTION OF VIRGINIA: EDUCATION.**

**Fairfax County School Board lacks authority to require parents to pay for testing and treatment program as condition to granting excused absences to pupils suspended for substance abuse. Board of Education may not authorize local school board to establish program that conditions suspended student's participation in program on parents' payment of costs of participation.**

The Honorable Joseph V. Gartlan Jr.  
Member, Senate of Virginia  
January 11, 2000

You ask whether, as a condition to granting excused absences to a pupil suspended for substance abuse, a local school board may require the pupil to participate in a testing and treatment program and impose the costs of the program on the pupil's parents.

You explain that the Fairfax County School Board wishes to adopt a policy requiring students suspended for substance abuse on school property to undergo testing and assessment with parental participation and, if recommended after the testing and assessment, to undergo treatment. You state that the policy would permit the student to undergo the testing, assessment and treatment through either the local public mental health agency or a private practitioner. Whether provided by the local mental health agency or by a private practitioner, the parents are to pay the costs of the testing, assessment and treatment. If the treatment is provided by a local mental health agency, the fee may be based on a sliding scale. Only upon satisfying the testing and treatment requirements would a student be granted excused absences for the suspension and thus be allowed to make up work missed.

You ask whether the Fairfax County School Board has the authority to condition the granting of excused absences on the parents' obtaining, at their own expense, substance abuse testing, assessment and treatment for the student. Section 22.1-6 of the *Code of Virginia* restricts the authority of a school board to impose fees on pupils. The section provides that "[e]xcept as provided in [Title 22.1] or as permitted by regulation of the Board of Education, no fees or charges may be levied on any pupil by any school board." No regulation or statute permits a local school board to impose the type of charge you describe.<sup>1</sup> It is accordingly my opinion that the Fairfax County School Board lacks authority to require parents to pay for substance abuse testing and treatment as a condition to a pupil's being granted excused absences for a suspension. This result is consistent with a 1982 opinion of the Attorney General which concludes that a local school board may not make participation in a substance abuse counseling program, for which the parents must pay, an alternative to expulsion.<sup>2</sup>

You also ask whether the Board of Education may grant the Fairfax County School Board the authority to impose a charge for the type of program you

describe.<sup>3</sup> No statute or regulation expressly authorizes the Board of Education to approve such a program or charge by a local school board. In addition, § 22.1-209.1:9, which establishes the Community-Based Intervention Program for Suspended and Expelled Students (the "Program") and establishes a mechanism for funding the Program,<sup>4</sup> indicates that the General Assembly intends programs of the nature you describe to be administered in accordance with the statute.

The 1999 Session of the General Assembly enacted § 22.1-209.1:9.<sup>5</sup> The purpose of the Program is "to provide interim instructional programs, intervention, and supervision for students in the public schools who have been suspended, excluded or expelled from school attendance."<sup>6</sup> The Program is to "consist of five regional projects located throughout the Commonwealth."<sup>7</sup> Students are eligible to attend the Program if recommended by the local school board, ordered by a court in the Commonwealth, or enrolled in the Program by a parent.<sup>8</sup> The Department of Education is to administer the Program and is authorized to establish a fee schedule based on a parent's ability to pay, with waivers to be granted if the parent cannot afford the costs.<sup>9</sup>

Section 22.1-209.1:9 indicates a legislative intent that programs providing intervention and supervision for students who have been suspended or expelled are to be administered by the Department of Education, with any charge for a student's participation in the program imposed in accordance with the fee schedule established by the Department. It is thus my opinion that, under current law, the Board of Education may not authorize a local school board to establish a program that conditions a suspended student's participation in the program on the parents' payment of the costs of the participation.

<sup>1</sup>Section 22.1-206 requires the public schools to provide instruction concerning drugs and drug abuse but does not authorize a fee for this instruction.

<sup>2</sup>1981-1982 Op. Va. Att'y Gen. 144; *see also* 1973-1974 Op. Va. Att'y Gen. 316 (in absence of statute, local school board may not require children to have dental examination as prerequisite to school attendance; school board has implicit power only to extent necessary to protect health of other children or to enable child to benefit from education).

<sup>3</sup>Under its general power to "promulgate such regulations as may be necessary to carry out its powers and duties and the provisions of [Title 22.1]," the Board of Education has by regulation authorized local school boards to impose certain fees on pupils. Section 22.1-16; *see* 8 VAC 20-370-10 (Law. Coop. 1996) ("Fee and charges" regulation). Whether the imposition of fees conflicts with the mandate of Article VIII, § 1 of the Constitution of Virginia (1971) that all children of the Commonwealth be provided a "free" public education depends on the nature of the particular fee. *See* Op. Va. Att'y Gen.: 1977-1978 at 364, 365 (Constitution does not require that all materials and supplies be provided free to every student); 1976-1977 at 248 (fee for activity that is not required part of curriculum does not conflict with Constitution).

<sup>4</sup>*See also* § 22.1-209.1:10 (creating Community-Based Intervention Program for Suspended and Expelled Students Fund).

<sup>5</sup>1999 Va. Acts ch. 440, at 600, 600 (appearing in act as § 22.1-209.1:6).

<sup>6</sup>Section 22.1-209.1:9(A).

<sup>7</sup>Section 22.1-209.1:9(C).

<sup>8</sup>Section 22.1-209.1:9(B).

<sup>9</sup>Section 22.1-209.1:9(A)-(B). Section 22.1-277.03(B) requires that the notice to parents of a student's suspension or expulsion is to provide information "concerning the availability of community-based educational, alternative education, or intervention programs."



## **COMMONWEALTH of VIRGINIA**

### **Office of the Attorney General**

**Robert F. McDonnell**  
Attorney General

900 East Main Street  
Richmond, Virginia 23219  
804-786-2071  
FAX 804-786-1991  
Virginia Relay Services  
800-828-1120  
7-1-1

August 29, 2007

The Honorable John S. Reid  
Member, House of Delegates  
P.O. Box 29566  
Richmond, Virginia 23242

Dear Delegate Reid:

I am responding to your request for an official advisory opinion in accordance with § 2.2-505 of the *Code of Virginia*.

#### **Issue Presented**

You ask whether a local school board may charge a fee to transport students on a school bus to and from school.

#### **Response**

It is my opinion that local school boards may not charge for the transportation of students to and from school.

#### **Background**

You state that a local school board, in considering its budget, has asked whether it may charge a fee to transport students on a school bus to and from school. You note that the board would not charge a fee for students whose transportation is required by § 22.1-221.

#### **Applicable Law and Discussion**

Article VIII, § 1 of the Constitution of Virginia directs the General Assembly to “provide for a system of free public elementary and secondary schools for all children of school age throughout the Commonwealth.” In § 22.1-3(A), the General Assembly has responded and directs that “[t]he public schools in each school division shall be free to each person of school age who resides within the school division.”

With one exception, I find no provision of the Virginia Constitution or the *Virginia Code* that requires local school boards to provide transportation for the pupils it serves. Section 22.1-176(A) authorizes “[s]chool boards [to] provide for the transportation of pupils, but nothing herein contained shall be construed as requiring such transportation except as provided in § 22.1-221.” Section 22.1-221(A) requires school boards to provide free transportation to students with disabilities so they may obtain the “benefit of educational programs and opportunities.”

The Honorable John S. Reid  
 August 29, 2007  
 Page 2

Section 22.1-176(B) is a single purpose statute that authorizes a school board to charge fees for the transportation of pupils in a *single* circumstance:

When a school board provides transportation to pupils for extracurricular activities, other than those covered by an activity fund, which are sponsored by the pupils' school apart from the regular instructional program and which the pupils are not required to attend or participate in, the school board may accept contributions for such transportation or charge each pupil utilizing such transportation a reasonable fee not to exceed his pro rata share of the cost of providing such transportation. [Emphasis added.]

Section 22.1-176(B) further authorizes a school board to waive such fees for pupils whose parents or guardians are unable to afford them.<sup>1</sup>

It is a standard rule of statutory construction that when a statute creates a specific grant of authority, the authority exists only to the extent specifically granted in the statute.<sup>2</sup> In this matter, the General Assembly has authorized local school boards to charge fees for transportation only when it provides the transportation for optional extracurricular activities.

Local school boards are not permitted to levy fees or charge any pupil except as provided in Title 22.1 or by regulation of the Board of Education.<sup>3</sup> Such regulation, 8 VAC § 20-370-10, provides that “[n]othing in this chapter shall be construed to prohibit [a local school board] from making supplies, services, or materials available to pupils at cost. Nor is it a violation to make a charge for a field trip or an educational related program that is not a required activity.” An argument could be advanced that transportation to and from school is a “service” for which school boards may charge. However, if that were correct, the additional statement in § 20-370-10 permitting a school board to charge for field trips or other educational-related programs would be unnecessary as they would be “services” for which fees could be charged. I note that the exception in § 20-370-10 for charging fees for field trips corresponds to the authority in § 22.1-176 to accept contributions for such transportation. Ultimately, the argument relating to an administrative regulation cannot overcome the clear rule of statutory construction regarding specific grants of authority.<sup>4</sup> Therefore, for the reasons stated, bus transportation to and from school is not a “service” within the meaning of 8 VAC § 20-370-10.

### Conclusion

Accordingly, it is my opinion that local school boards may not charge for the transportation of students to and from school.

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<sup>1</sup>I note that § 22.1-176(C) authorizes school divisions to accept contributions to transport pupils on field trips that are part of the school program or sponsored by the school. In my opinion, the authority to accept contributions does not confer the authority to charge fees.

<sup>2</sup>2006 Op. Va. Att’y Gen. Ann. 29, 30 and opinions cited therein.

<sup>3</sup>VA. CODE ANN. § 22.1-6 (2006). I note, however, that local school boards may enter into cost-sharing arrangements with nonpublic schools. See § 22.1-176.1 (Supp. 2007).

<sup>4</sup>See *supra* note 2 and accompanying text.

The Honorable John S. Reid  
August 29, 2007  
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Thank you for letting me be of service to you.

Sincerely,

A handwritten signature in cursive script that reads "Robert F. McDonnell". The signature is written in black ink and is positioned to the right of the typed name.

Robert F. McDonnell

1:61; 1:941/07-053

Attachment B

COMMONWEALTH OF VIRGINIA  
DEPARTMENT OF EDUCATION  
P.O. BOX 2120  
RICHMOND, VIRGINIA 23218-2120

SUPTS. MEMO NO. 171  
September 3, 1993

INFORMATIONAL

TO: Division Superintendents

FROM: Joseph A. Spagnolo, Jr.  
Superintendent of Public Instruction

Edward W. Carr  
Deputy Superintendent for Administration

SUBJECT: Instructional Fees

The 1993 Session of the General Assembly passed HB 728 which amended Section 22.1-251 of the Code of Virginia to require school divisions to make textbooks and workbooks available to all students free of charge. The amendment becomes effective on July 1, 1994, provided the General Assembly appropriates funds sufficient to cover the state share of such textbooks and workbooks.

Due to the myriad of arrangements in operation by LEAs to account for textbook purchases, the Department made a survey of all divisions last fall to determine the actual cost of textbooks over the last three years. Based on this information, the Board of Education has included in its biennial budget request, additional funds for the state share of textbook costs. For the current school year, the state payment is based on \$26.73 per pupil. The requested amount for 1994-95 is \$43.45 per pupil.

The deliberations by the General Assembly when this bill was passed centered a great deal around the right of each student to receive a free education in the Commonwealth. It was stated that textbooks and workbooks are fundamental to the education process, and therefore, should be provided at no charge. These discussions led the Board of Education to question the current practice of many

Attachment B

school divisions to charge an "instructional" or "material" fee.

Section 22.1-6 of the Code provides that no fees may be charged unless permitted by the Code or by regulation of the Board of Education. The enumeration of permitted fees and charges contained in the Board regulations contains no mention of "instructional" fees. The Office of the Attorney General has rendered several opinions concerning fees. Those opinions have consistently concluded that under the Virginia Constitution, fees may not be charged as a condition of school enrollment, but may be charged for ancillary or optional services. Several of these opinions are attached for your information.

Based upon the statutes and regulations, school divisions have no authority to charge instructional or material fees in general. Individual fees for art, music, library, parking, gym lockers, etc. do appear to be allowable under the current statutes, regulations, and opinions. While such an opinion may have an adverse effect on some local school board budgets, local school boards should take appropriate action during the budget process for 1994-95 to ensure they are in compliance with the statutes and regulations governing fees and charges.

If you have questions or need additional information, please contact Mrs. Kathryn S. Kitchen, Division Chief, Administrative Support Services, at (804) 225-2025, Or Mrs. June F. Eanes, Budget Director, at (804) 225-2060.

JASJr./EWC/kk  
Attachment

Attachment C

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. Boshier, 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.

Attachment C

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