

The following changes related to policy are proposed:

- Local school boards that charge fees would be required to have a policy and a fee schedule that would be provided to parents annually and posted on the school division's Web site.
- The policy would include a provision to waive or reduce fees for economically disadvantaged students and students whose families are undergoing economic hardships.
- The policy and fee schedule would be required to be consistent across the school division.
- No fees could be charged that had not been approved by the local school division.

The following changes related to fees and charges are proposed:

- Fees may not be charged as a condition of school enrollment unless the student is not of school age or does not live within the jurisdiction (§§ 22.1-1, 22.1-3, and 22.1-5, *Code of Virginia*).
- Fees may not be charged for textbooks or textbook deposits; however, § 22.1-143, *Code of Virginia*, permits local school divisions to assess a reasonable fee for lost or damaged textbooks.
- Fees may not be charged for pupil transportation to and from school (Attorney General's Opinion dated August 29, 2007), but may be charged for the student's pro rata cost of providing for voluntary extracurricular activities (§ 22.1-176, *Code of Virginia*).
- Fees may be charged for summer school unless the summer school program is a remediation program required by the Standards of Quality (§ 22.1-253.13:1, *Code of Virginia*).
- Fees may be charged for class dues; however, class dues shall not be mandatory, and the school board must specify the kinds of programs and activities covered by class dues;
- Fees may be charged for nonmandatory services such as parking fees and locker fees (Attorney General's Opinions dated November 8, 1991 and 1964-65 Att'y Gen. Ann. Rep. 294).
- Fees may be charged for consumable materials, such as workbooks, but the local school board must have a policy to ensure that these are furnished at a reduced price or free of charge to students who are unable to afford them (§ 22.1-243, *Code of Virginia*).

- Fees may be charged for the behind the wheel portion of the driver's education program (§ 22.1-205, *Code of Virginia*).
- Fees may be charged for the preparation and distribution of official paper copies of the student's transcript, provided that the school board first provides a reasonable number of copies for free. Official electronic copies of transcripts shall be provided at no cost.

The following additional provision related to nonpayment of fees is proposed:

- A student may not be suspended or expelled for nonpayment of fees and charges.

Superintendent's Recommendation: The Superintendent of Public Instruction recommends that the Board of Education accept the proposed regulations for first review and authorize the Department of Education staff to proceed with the requirements of the Administrative Process Act.

Impact on Resources: The administrative impact for the review of these regulations and passage of the section governing fees and charges is expected to have a minimal fiscal or administrative impact on the Department of Education and local school divisions.

Timetable for Further Review/Action: The timetable for further action will be governed by the requirements of the Administrative Process Act.

CHAPTER 720

REGULATIONS GOVERNING LOCAL SCHOOL BOARDS AND SCHOOL DIVISIONS

8VAC 20-720-80. Student fees and charges.

- A. No fees or charges may be levied on any pupil by any school board unless authorized by the Board of Education or prescribed by the *Code of Virginia*.
- B. Each local school board shall develop a policy in accordance with the requirements of the Standards of Quality, § 22.1-253.13:7 of the *Code of Virginia*, addressing any fees that are charged. The policy shall include the schedule of fees charged by the school division, provisions for reducing or waiving fees, and sanctions for nonpayment of fees. The policy and the fee schedule shall be provided to parents annually and posted on the school division's Web site.
- C. The policy shall provide for the reduction or waiver of fees for economically disadvantaged students and students whose families are undergoing economic hardships. This shall include, but not be limited to, families receiving unemployment benefits and public assistance, including Temporary Assistance for Needy Families (TANF), food stamps, and Medicaid; foster families caring for children in foster care; and families that are homeless.
- D. School divisions shall not charge any fees that have not been approved by the local school board.
- E. The fee policy and the fee schedule shall be consistent throughout the school division, although there may be different fee schedules for elementary, middle, and high schools.
- F. Local school boards shall not charge fees:
 - 1. As a condition of school enrollment, except for students who are not of school-age or who do not reside within the jurisdiction, in accordance with §§ 22.1-1 and 22.1-3 of the *Code of Virginia* and as provided for in § 22.1-5 of the *Code*;
 - 2. For instructional programs and activities, or materials required for instruction, except as specified in subsection G of this section;
 - 3. For textbooks or textbook deposits; however, § 22.1-243 of the *Code of Virginia* permits a local school board to assess a reasonable fee or charge for lost or damaged textbooks;
 - 4. For pupil transportation to and from school; or

5. For summer school programs or other forms of remediation required by the Standards of Quality, § 22.1-253.13:1 of the *Code of Virginia*.

G. Local school boards may charge fees for the following:

1. Nonmandatory services, such as parking fees or locker rental fees;
2. Nonmandatory extracurricular activities;
3. Class dues; however, class dues shall not be mandatory, and the school board shall specify the kinds of programs and activities covered by class dues;
4. Field trips or educationally-related programs that are not required instructional activities;
5. Deposits for musical instruments not required for instructional activities;
6. Distance learning classes for enrichment and not necessary to meet the requirements for a diploma;
7. Summer school, unless the classes are required for remediation as prescribed by the Standards of Quality, § 22.1-253.13:1 of the *Code of Virginia*;
8. Overdue or lost or damaged library books;
9. Lost or damaged textbooks, in accordance with § 22.1-243 of the *Code of Virginia*; however, textbooks shall be provided free of charge;
10. Consumable materials such as workbooks, writing books and drawing books; however, in accordance with § 22.1-243 of the *Code of Virginia*, the local school board shall develop a policy ensuring that workbooks, writing books, and drawing books are furnished to students who are unable to afford them at a reduced price or free of charge;
11. The behind the wheel portion of the driver's education program, in accordance with § 22.1-205 of the *Code of Virginia*;
12. A student's pro rata share of the cost of providing transportation for voluntary extracurricular activities, in accordance with § 22.1-176 of the *Code of Virginia*; and
13. The preparation and distribution of official paper copies of student transcripts; however, each school board shall provide a reasonable number of copies for free before a charge is levied for additional official copies. Official electronic copies of student transcripts shall be provided for free.

H. Local school boards shall not:

1. Withhold any student's scholastic report card or diploma because of nonpayment of fees and charges, in accordance with § 22.1-6 of the *Code of Virginia*; or

2. Suspend or expel a student for nonpayment of fees and charges.

I. 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.

J. These regulations do not address the operation of school stores or fund raising activities where transactions are strictly voluntary.

CHAPTER 370

RULES GOVERNING FEES AND CHARGES

~~8VAC 20-370-10. 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.~~