

Board of Education Agenda Item

Item: E.

Date: September 23, 2010

Topic: First Review of Final Amendments to the *Regulations Governing Local School Boards and School Divisions* (8 VAC 20-720) and Repeal of the *Rules Governing Fees and Charges* (8 VAC 20-370)

Presenter: Ms. Anne D. Wescott, Assistant Superintendent for Policy and Communications

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Origin:

Topic presented for information only (no board action required)

Board review required by
 State or federal law or regulation
 Board of Education regulation
 Other: _____

Action requested at this meeting Action requested at future meeting: _____

Previous Review/Action:

No previous board review/action

Previous review/action
date July 23, 2009
action Acceptance of proposed regulation for first review

Background Information: The Board of Education's *Rules Governing Fees and Charges*, 8 VAC 20-370-10, were adopted on or before September 1, 1980, and have not been amended since that time. The purpose of this proposal is to update the regulations by repealing the current regulations governing fees charged by school divisions and creating a new regulation that will be added as a section to the proposed *Regulations Governing Local School Boards and School Divisions*, 8 VAC 20-720-10 et seq.

Summary of Major Elements: The proposed regulation will include specific provisions regarding permissible and impermissible fees, policies for families that cannot afford the fees and permissible and impermissible actions for the failure to pay the fees. The current regulation will be repealed simultaneously with the promulgation of the new regulation.

The following changes were included in the July 23, 2009, proposed regulations:

- 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. Notice of the option to request a waiver and how to do so would have to be provided each time a fee is charged.
- 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 board.
- 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 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.
- A student may not be suspended or expelled for nonpayment of fees and charges.

The public comment period for the proposed regulations was held from May 24, 2010 through July 26, 2010. During this time, four public comments were held. They were held in Marion on June 3, 2010, and in Alexandria, Chesapeake, and Richmond on June 10, 2010. The Board received comments from 42 individuals and organizations. Most of the commenters had more than one recommendation. The comments primarily addressed the following:

- 21 recommend permitting local school boards to charge fees for consumable materials including fine arts materials and supplies.
- 18 recommend permitting local school boards to charge fees for musical instruments.
- Seven recommend requiring school divisions to provide clear, conspicuous written notice that low income families can apply for a fee waiver, including directions as to how to do so each time a fee is charged.
- Seven recommend that fee waivers should be made available for all activities, whether mandatory, elective, or optional.
- Seven recommend that the regulations should explicitly prohibit school divisions from withholding class schedules, or excluding students from basic educational functions such as graduation ceremonies or field trips for nonpayment of fees.

A summary of the public comments may be found in Appendix A.

The following substantive changes are recommended in response to public comment:

- School divisions shall provide notice that a fee waiver may be requested, including directions as to how to apply for the waiver, each time a fee is charged.
- Local school boards may charge fees for musical instruments, so long as the instruction in the use of musical instruments is not part of the required curriculum (Attorney General's Opinion dated May 6, 1977).
- Local school boards may charge fees for fine arts materials and supplies.
- Local school boards shall not withhold a student's class schedule for nonpayment of fees.

Amendments are also recommended in response to action by the 2010 General Assembly.

- HB 491, passed by the 2010 General Assembly, says: “Nothing in this section shall be construed to authorize a school board to charge fees to students for instructional materials, textbooks, or other materials used by a school board employee that are not directly used by a public school student.” Language is recommended to be added to comport with this legislative change.
- HB 1289 was considered by the 2010 General Assembly, but was left in the House Committee on Education with the understanding that the Board of Education would take it into consideration as these regulations are amended. The language in the bill says: “Nothing in this section shall be construed to prohibit the school board from (i) making supplies, services, or materials available to pupils at cost or (ii) imposing a fee or charge for a field trip or any educational program that is not a required activity; although a school board may waive such fees or charges in total or in part for those pupils it determines are unable to afford them.” The proposed regulations address the provisions of the bill. They would permit school boards to charge fees for consumable materials and for field trips and other educational programs that are not required activities. They also provide for waivers of fees and charges for those students who are unable to afford them.

Finally, a number of editorial and technical changes are proposed for clarity and accuracy. Detailed information about these changes may be found in Appendix B.

Superintendent's Recommendation: The Superintendent of Public Instruction recommends that the Board of Education adopt the attached final amendments to the *Regulations Governing Local School Boards and School Divisions* 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 textbooks is expected to have a minimal fiscal or administrative impact on the Department of Education and 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 [regulation of] the Board of Education or [prescribed] by the [Code of Virginia-General Assembly].
- 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 consequences] 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 [and are financially unable to pay them]. This shall include, but not be limited to, families receiving unemployment benefits [and or] public assistance, including Temporary Assistance for Needy Families (TANF), [food stamps Supplemental Nutrition Assistance Program (SNAP), Supplemental Security Income (SSI) and or] Medicaid; foster families caring for children in foster care; [and or] families that are homeless.
- D. [School divisions shall provide notice that a fee waiver may be requested, including directions as to how to apply for the waiver, each time a fee is charged.]
- E. School divisions shall not charge any fees that have not been approved by the local school board.
- F. The fee policy and the fee schedule shall be consistent throughout the school division, although there may be different fee schedules [for assessed at the] elementary, middle, and high [schools school levels.]
- G. Local school boards shall not charge fees:
1. As a condition of school enrollment, except for students who are not of school age and 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 H] 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*.

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

1. ~~Nonmandatory Optional~~ services, such as parking fees or locker rental fees;
2. ~~Nonmandatory Student-selected~~ 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; Fees for musical instruments, so long as the instruction in the use of musical instruments is not part of the required curriculum;~~
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 ~~and~~ fine arts materials and supplies; 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. ~~In addition, local school boards are not authorized to charge fees to students for instructional materials, textbooks, or other materials that are not directly used by a public school student;~~
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 [fee not to exceed 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.

I. 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. [Withhold any student's class schedule, or]

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

J. 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.

K. 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.~~

Appendix A: Public Comments

The public comment period was held from May 24, 2010 through July 26, 2010. During this time, four public comments were held. They were held in Marion on June 3, 2010, and in Alexandria, Chesapeake, and Richmond on June 10, 2010. The Board received comments from 42 individuals and organizations.

Commenter	Comment
Citizen	<ul style="list-style-type: none"> • Regulations should require local school divisions to provide clear, conspicuous written notice that low income families can apply for a fee waiver, including directions as to how to do so each time a fee is charged. • Fee waivers should be made available for all activities, whether mandatory, elective, or optional. • The regulations should explicitly prohibit school divisions from withholding class schedules, or excluding students from basic educational functions such as graduation ceremonies or field trips for nonpayment of fees.
Legal Aid Society of Roanoke Valley	<ul style="list-style-type: none"> • Families should receive clear written notice about the availability of fee waivers whenever a fee is charged. • Families should have access to waivers for every school-related activity, whether optional or required. • Schools should be prohibited from withholding academic schedules, or excluding students from participating in activities such as graduation or field trips if fees are not paid.
High School English Teacher	<ul style="list-style-type: none"> • Do not drop fees for art supplies, musical instruments, uniforms and music because programs will be cut back or cut altogether for lack of funds, students will lose opportunities, and teachers will lose jobs.
Art Teacher	<ul style="list-style-type: none"> • Do not eliminate art fees because students would not be able to purchase all of the items they need individually.
Music Educator	<ul style="list-style-type: none"> • Permit local school boards to charge fees for musical instruments and equipment required for instructional activities. • Permit local school boards to charge fees for consumable materials such as workbooks, writing books, drawing books, and fine arts materials.
Social Studies Department Chair	<ul style="list-style-type: none"> • Students should not be required to pay for a gym uniform because it is a required course. • Eliminate the disparity in fees. It is unfair that some students must pick a course schedule based on the classes they can afford to take. • Allowing a fee waiver is helpful, but there are many families who would not qualify for the waiver, but would still be burdened by the fees.
Elementary School Principal	<ul style="list-style-type: none"> • School fees should not be required to be consistent cross the school division. They should be based on school needs. • Add language that school management teams that include parent input will determine the fees within those allowed by the school board. • Add a process that allows individual schools to request waivers to add fees that are supported by staff and parents for school activities. • Charter schools should be required to follow the same guidelines as other schools in a division as it relates to fees. • Opposes providing reduced fees for economically disadvantaged students unless the state provides funding for this purpose. Funding should be clearly spelled out in policy how a division will support students who cannot pay. • Require all students to pay at least a portion. Economically disadvantaged

	<p>students should be required to pay at least 50% of the fees.</p> <ul style="list-style-type: none"> • Do not prohibit fees for art and music programs.
Music Teacher	<ul style="list-style-type: none"> • Permit local school boards to charge fees for musical instruments and equipment required for instructional activities. • Permit local school boards to charge fees for consumable materials such as workbooks, writing books, drawing books, and fine arts materials.
Music Specialist	<ul style="list-style-type: none"> • Do not damage performing arts programs by eliminating fees.
Choral Director	<ul style="list-style-type: none"> • Support the charging of fees by school boards and school divisions. • Permit local school boards to charge fees for musical instruments and equipment required for instructional activities. • Permit local school boards to charge fees for consumable materials such as workbooks, writing books, drawing books, and fine arts materials.
Chorus Teacher	<ul style="list-style-type: none"> • Support the charging of fees by school boards and school divisions. • Permit local school boards to charge fees for musical instruments and equipment required for instructional activities. • Permit local school boards to charge fees for consumable materials such as workbooks, writing books, drawing books, and fine arts materials.
Teacher	<ul style="list-style-type: none"> • Support the charging of fees by school boards and school divisions. • Permit local school boards to charge fees for musical instruments and equipment required for instructional activities. • Permit local school boards to charge fees for consumable materials such as workbooks, writing books, drawing books, and fine arts materials.
Citizen	<ul style="list-style-type: none"> • Support the charging of fees by school boards and school divisions. • Permit local school boards to charge fees for musical instruments and equipment required for instructional activities. • Permit local school boards to charge fees for consumable materials such as workbooks, writing books, drawing books, and fine arts materials.
Art Teacher	<ul style="list-style-type: none"> • Support the charging of fees for fine arts students. Students take better care of materials if they have a stake in them and it would allow budgets to extend further.
Virginia Art Education Association	<ul style="list-style-type: none"> • Support the charging of fees by school boards and school divisions. • Permit local school boards to charge fees for musical instruments and equipment required for instructional activities. • Permit local school boards to charge fees for consumable materials such as workbooks, writing books, drawing books, and fine arts materials.
Citizen	<ul style="list-style-type: none"> • Support the charging of fees by school boards and school divisions. • Permit local school boards to charge fees for musical instruments and equipment required for instructional activities. • Permit local school boards to charge fees for consumable materials such as workbooks, writing books, drawing books, and fine arts materials.
Citizen	<ul style="list-style-type: none"> • Permit local school boards to charge fees for musical instruments and equipment required for instructional activities. • Permit local school boards to charge fees for consumable materials such as workbooks, writing books, drawing books, and fine arts materials.
Citizen	<ul style="list-style-type: none"> • Permit local school boards to charge fees for musical instruments and equipment required for instructional activities. • Permit local school boards to charge fees for consumable materials such as workbooks, writing books, drawing books, and fine arts materials.

Parent	<ul style="list-style-type: none"> • Support the charging of fees by school boards and school divisions. • Permit local school boards to charge fees for musical instruments and equipment required for instructional activities. • Permit local school boards to charge fees for consumable materials such as workbooks, writing books, drawing books, and fine arts materials.
Retired Art Educator and VAEA Board Chair	<ul style="list-style-type: none"> • Without fees as funding from the school board, it will be difficult to provide many consumable materials for fine arts classes, thus diluting the quality of offerings for students and have a negative impact on advanced study opportunities.
Band Director	<ul style="list-style-type: none"> • Support the charging of fees by school boards and school divisions. • Permit local school boards to charge fees for musical instruments and equipment required for instructional activities. • Permit local school boards to charge fees for consumable materials such as workbooks, writing books, drawing books, and fine arts materials.
Citizen	<ul style="list-style-type: none"> • It is the right decision to regularize the schools so as not to exclude low income group students for extra activities in the school.
Music Department Chair	<ul style="list-style-type: none"> • Support the charging of fees by school boards and school divisions. • Permit local school boards to charge fees for musical instruments and equipment required for instructional activities. • Permit local school boards to charge fees for consumable materials such as workbooks, writing books, drawing books, and fine arts materials.
High School Choir Alumni	<ul style="list-style-type: none"> • Support the charging of fees by school boards and school divisions. • Permit local school boards to charge fees for musical instruments and equipment required for instructional activities. • Permit local school boards to charge fees for consumable materials such as workbooks, writing books, drawing books, and fine arts materials.
Division Superintendent	<ul style="list-style-type: none"> • Regulations would impose new administrative requirements on LEAs while reducing local flexibility over potential sources of revenue. • Instructional programs that are particularly resource and/or equipment intensive could be disproportionately affected. • Consider dropping the requirement to include unemployment benefits from the waiver section. • Section F appears unnecessary. • Fee prohibitions in item number 2 are written too broadly and could eliminate fee authority in many circumstances where a fee is appropriate. • Prohibition language conflicts with the <i>Code</i>, i.e., costs for AP or IB exams. It is unclear whether LEAs would be allowed to pass those charges and charges for industry certification exams to students given they are directly related to instructional programs and activities. • Draft language only allows for deposits for musical instruments, not charges, and only for non-instructional instruments. This could have an impact on the ability of LEAs to provide this instruction. • Draft regulations are likely to have a fiscal impact on LEAs, in terms of revenue losses and additional administrative burden. Suggests the BOE consider delayed enactment of the changes until the fiscal situation in Virginia improves.
JustChildren	<ul style="list-style-type: none"> • Add Supplemental Security Income as one of the forms of public assistance qualifying a family for a waiver. • Families should receive clear written notice of how to request a waiver each time a fee is charged.

	<ul style="list-style-type: none"> • Waivers should be available for all activities, whether mandatory or optional. • Schools should be prohibited from withholding class schedules, or excluding students from basic educational activities such as graduation or field trips for non-payment of fees.
Citizen	<ul style="list-style-type: none"> • All children need a fair chance of an education, no matter their income level, background, or anything else.
Citizen	<ul style="list-style-type: none"> • The regulations are really helpful for those people who want to go to school but do not have enough money to pay tuition or other expenses.
Citizen	<ul style="list-style-type: none"> • Children need to be educated and the government must make a move to help those children who cannot afford school expenses.
Citizen	<ul style="list-style-type: none"> • The regulation page is a good page with nice topics and good comments.
Citizen	<ul style="list-style-type: none"> • The topics are interesting and important.
Citizen	<ul style="list-style-type: none"> • More actions like this should be taken.
Citizen	<ul style="list-style-type: none"> • With the recession, we all should strive to economize and not have necessary fees.
Citizen	<ul style="list-style-type: none"> • Looking forward to learning more about this.
Virginia Leadership Coalition for Fine Arts in Education	<ul style="list-style-type: none"> • Permit local school boards to charge fees for musical instruments and equipment required for instructional activities. • Permit local school boards to charge fees for consumable materials such as workbooks, writing books, drawing books, and fine arts materials. Keep in mind the long term impact of the proposed regulations. It is impractical to think school divisions can fully fund the equipment, maintenance and consumable supply needs of the school.
Legal Aid	<ul style="list-style-type: none"> • Families should receive clear notice about the availability of fee waivers whenever a fee is charged. • Families should have access to waivers for every school-related activity, whether those activities are optional or required. • Schools should be prohibited from withholding academic schedules, or excluding students from participating in activities like graduation or field trips because of unpaid fees.
Families and Allies of Virginia's Youth	<ul style="list-style-type: none"> • Families should receive clear written notice of how to request a waiver each time a fee is charged. • Waivers should be available for all activities, whether mandatory or optional. • Schools should be prohibited from withholding class schedules, or excluding students from basic educational activities like graduation or field trips because of non-payment of fees.
Band Director	<ul style="list-style-type: none"> • Removing some of the fees will present an undue burden on school divisions' ability to support the successful programs that the children and community have enjoyed. • The term "consumable" should be revised to include those terms critical to a fine arts education, such as visiting artists, entry fees to state performance assessments, and sheet music. • Allow local school divisions to use state textbook monies to purchase sheet music. In music classes, sheet music is the textbook.
Just Children	<ul style="list-style-type: none"> • Families should receive clear written notice of how to request a waiver each time a fee is charged. • Waivers should be available for all activities, whether mandatory or optional. • Schools should be prohibited from withholding class schedules, or excluding students from basic educational activities like graduation or field trips because of non-payment of fees.

Virginia Music Educators, Inc.	<ul style="list-style-type: none"> • Allow school divisions to charge fees for musical instruments and equipment required for instructional activities and for consumable materials used in Fine Arts.
Virginia Music Educators Association and Virginia Leadership Coalition for Fine Arts in Education	<ul style="list-style-type: none"> • Allow school divisions to charge fees for musical instruments and equipment required for instructional activities and for consumable materials used in Fine Arts.
Advocating for Children and Justice for All	<ul style="list-style-type: none"> • No child should be prevented from taking a course or participating in an activity because of inability to pay a fee. • Families should receive clear written notice as to how to request a waiver each time a fee is charged. • Waivers should be available for all activities, whether mandatory or optional. • Schools should be prohibited from withholding class schedules, or excluding students from basic educational activities like graduation or field trips for non-payment of fees.

Appendix B: Revisions to the Proposed Regulations

Section number	Requirement at proposed stage	What has changed	Rationale for change
80 A.	No fees or charges may be levied unless authorized by the Board of Education or by the <i>Code of Virginia</i> .	Language is revised to say that no fees or charges may be levied unless authorized by regulation of the Board or by the General Assembly	Revised for clarity.
80 B.	Required local school board policies to include the sanctions for nonpayment of fees.	The term “sanctions” has been changed to “consequences.”	Revised for clarity.
80 C.	Requires that local school board policies provide for the reduction or waiver of fees for economically disadvantaged students and students whose families cannot afford them. Specific examples of such students are included.	<p>The phrase “and are financially unable to pay them” is added.</p> <p>Families receiving Supplemental Security Income are added to the examples.</p> <p>The term “food stamps” is replaced with the term “Supplemental Nutrition Assistance Program.”</p>	<p>Revised for clarity.</p> <p>Revised in response to public comment. Supplemental Security Income is a form of public assistance recognized by the Virginia Supreme Court.</p> <p>The food stamp program is now known as the Supplemental Nutrition Assistance Program.</p>
80 D.		Language is added to require school divisions to provide notice that a fee waiver may be requested, including directions as to how to apply for the waiver, each time a fee is charged.	Revised in response to public comment.
80 F.	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 school levels.	Language revised to say that the fee policy and the fee schedule shall be consistent throughout the school division, although there may be different fee schedules assessed at elementary, middle, and high schools.	Revised for clarity.
80 H 1 and 2	Fees may be charged for nonmandatory services... and nonmandatory extracurricular activities.	The term “nonmandatory” is changed to “optional” (services) and “student-selected” (extracurricular activities).	Revised for clarity.

80 H.5	Deposits may be charged for musical instruments not required for instructional activities.	Language is broadened to permit fees for musical instruments so long as the instruction in the use of musical instruments is not part of the required curriculum.	Revised in response to public comment and to comport with the Attorney General's Opinion dated May 6, 1977.
80.H. 10	Fees may be charged for consumable materials such as workbooks, writing books, and drawing books.	Language is added to clarify that fees may be charged for consumable materials such as workbooks, writing books, drawing books and fine arts materials and supplies. Language is added to say that Local school boards are not authorized to charge fees to students for instructional materials, textbooks, or other materials that are not directly used by a public school student.	Fine arts materials and supplies are added in response to public comment. Language is added to comport with HB 491, passed by the 2010 General Assembly.
80.H.12	A student's pro rata share of the cost of providing transportation for voluntary extracurricular activities	Language is added to say that a fee not to exceed a student's pro rata share.	Revised for clarity
80.I	Local school boards shall not withhold any student's, scholastic report card or diploma because of nonpayment of fees and charges, in accordance with § 22.1-6 of the <i>Code of Virginia</i> or to suspend or expel a student for nonpayment of fees.	Language is added to say that local school boards shall not withhold any student's class schedule for nonpayment of fees.	Revised in response to public comment