



FFLIC

ISSUE: I'M HAVING TROUBLE PAYING SCHOOL FEES.

SCHOOL'S DUTIES REGARDING FEES AND FEE WAIVERS



First of all, it is important to know what the school's duties are regarding fees. BESE has issued the below guidance for schools in 2017. This guidance became state law (Act 240) in June of 2019 and schools must adhere to it by December 1, 2019. Every school system or school that charges student fees of any kind should publish on its website and include in its student handbook a clear policy on student fees that includes, at minimum:

- descriptions of each student fee being charged,
- the dollar amount of each student fee,
- how each student fee will be collected and used,
- the deadline by which each student fee is due and the desired method of payment,
- the process whereby students and families may request an economic hardship waiver, and
- the criteria by which economic hardship waivers will be approved.

The policy should include a reduction or waiver of fees for economically disadvantaged students and students whose families are experiencing economic hardships and are financially unable to pay them.

IS THE FEE RELATED TO REGISTRATION, ATTENDING THE SCHOOL, INSTRUCTION, OR MATERIALS FOR INSTRUCTION?

No.

If the fee is not related to registration, attending the school, instruction, or materials for instruction, a school can charge the fee. See below for information on fees that schools commonly charge.

Yes.

A school should not charge these fees. According to law, a school cannot charge a fee related to registering at the school. The school also cannot charge an "attendance" fee that is not tied to a particular activity or service, [RS 17:3991(E)(3)]. Specifically, all schoolbooks and instruction materials must be free of charge, [Louisiana Constitution Act VIII § (13)(A)].

Examples of illegal fees:

- A fee of \$200 to reserve the child's spot in the school
- Study guides that are required for a basic, required course
- Mandatory membership fees for parents (These must be optional.)

If a school is charging a fee, decide if it fits below under the fees that schools commonly charge.

Lunch

A school can charge for lunch, but you may apply for free or reduced lunches any time during the school year by submitting an application directly to your school or district. Even though applications go out in the beginning of the year, you can ask for an application any time during the school year.

AP Courses

The school can charge for AP courses because these are considered optional. However, schools might offer an installment plan or financial assistance. If your school does not, you might let them know the LA Dept of Education suggests the use of four funding streams to schools to offer financial assistance for AP exams.

Special Education services

The school cannot charge you for special education needs or accommodations identified in an IEP or 504 Plan. All school-age children have the right to a "free and appropriate education" under federal law in accordance with the Individuals with Disabilities Education Act and section 504 of the Rehabilitation Act. Also, this fee would be "related to instruction" and thus not allowed.

Discipline

A school can charge fines and fees for misbehavior, but this tactic is controversial. It burdens low-income families. Also, the school's code of conduct must clearly state they use this kind of disciplinary action. So this might be one way to challenge it, (LA Bulletin 741 §1302).

School uniforms

A school should provide the first uniform but can then require the family to pay for additional school uniforms. It must offer resources to assist low-income students and families who may not be able to pay. Also, if the parent does not have a home of their own, the child may be considered homeless and thus will be given additional protections and services in accordance with the McKinney-Vento Act.

Education Records

Parents may be charged for copies of education records, unless the fee would prevent the parent from obtaining the records. But the school can't withhold an education record as the result of lack of payment of any fine, debt, or other outstanding obligation, (RS 17:112).

Other Fees

This list is not inclusive, but generally, if the fee is not related to registration, attending the school, instruction, or materials for instruction, the school can charge. But this is open to interpretation. And unfortunately, schools get away with a lot despite the law. But if you think the school is wrong in charging a fee, see below.

Need help advocating for your child? Call FFLIC 504.708.8376.

IS YOUR SCHOOL CHARGING WHEN IT SHOULDN'T BE AND/OR NOT TELLING YOU ABOUT THE FEES?

If you think your school is charging in error, or if they are not telling you about the fees up front, try to work with the school and the school's board to correct the problem. Cite the above guidance/laws. If you can't resolve the issue, contact OPSB at 504-304-3520. You can also contact your BESE board member, state representative, and/or the LA Dept. of Education. Also, talk to other parents in your school and consider organizing efforts to stop the school's practices. A lawyer may be necessary. For example, the ACLU has taken on cases regarding inappropriate fees in other states.

