



October 28, 2019

**By Email and U.S. Mail**

Dr. Geoff Yantz, Superintendent  
South Pasadena Unified School District  
1020 El Centro Street  
South Pasadena, CA 91030  
gyantz@spusd.net

Dear Superintendent Yantz,

We write to express our deep concern regarding complaints we have received from parents and community members that the South Pasadena Unified School District ("District") may be charging unlawful fees for educational materials and failing to provide adequate notice to parents and students about their rights related to unlawful school fees.

Our understanding of the facts is that a student and parent were subjected to fees for participation in school activities. We also heard concerns from parents about inadequate notice from the district. The current annual UCP notice for the South Pasadena fails to inform parents that the district may not charge for the materials or equipment required in class or extracurricular activities. The notice also does not state that parents and students may file a UCP complaint after being subjected to school fees.

School districts are required to provide *all* instructional materials with few exceptions, and this is codified in several areas of California law. Article IX, Section 5 of the California Constitution states the "a free school shall be kept up and supported in each district." Furthermore, Section 350 of Title 5 of the California Code of Regulations states that students "shall not be required to pay any fee, deposit, or other charge not specifically authorized by law." The California Education Code Section 49011(a) also provides that public school students shall not be required to pay fees for participation in educational activities. Lastly, the California Department of Education's Fiscal Management Advisory 17-01, dated July 28, 2017, which is attached, provides further detailed guidance on fees. As you may know, the ACLU of Southern California has focused considerable advocacy on this issue to raise public awareness that school districts may not charge fees for materials or equipment necessary for participation in a class or extracurricular activity. An ACLU investigation in 2010 revealed that school districts throughout the state were illegally charging students for items and essential course materials like textbooks. We filed [\*Doe v. California\*](#) to stop these illegal practices and protect equal access to public education. In response to our lawsuit,

[Assembly Bill 1575](#) was signed into law in 2012. Just earlier this year, the Santa Monica-Malibu Unified district was sued by parents for requiring the purchase of educational materials.<sup>1</sup>

Additionally, California law requires school districts to articulate in policy the procedure for parents to file complaints concerning inappropriate charges for educational materials. Complaints regarding pupil fees were added to the statewide Uniform Complaint Procedure framework in 2012 as part of our settlement in *Doe v. California*. Under AB 1575, school districts are required to provide notice to parents regarding complaints for unlawful fees. The current [annual UCP notice](#) for South Pasadena Unified does not make clear that the such fees are illegal in the first place.

The South Pasadena Unified School District must respect students' right to a free public education and eliminate inappropriate charges for educational materials. Furthermore, the District must clarify its policies and procedures to conform to California Education Code § 49013(e) to ensure students' rights are protected. Schools and educational institutions are the gateway to opportunity. All students are entitled to access regardless of their economic status. We look forward to your prompt reply.

Most sincerely,



Sylvia Torres-Guillen  
Director of Education Advocacy/Legal Counsel  
ACLU of California



Amir Whitaker, Policy Counsel\*  
ACLU of Southern California

\*Not admitted in California; admitted to practice law in Florida and selected federal courts.

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South Pasadena Unified School District Board of Education

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<sup>1</sup> "SMMUSD facing materials lawsuit," Santa Monica Daily Press, January 18, 2019. Available at [www.smdp.com/smmusd-facing-materials-lawsuit/172232](http://www.smdp.com/smmusd-facing-materials-lawsuit/172232)