



OFFICE OF THE SUPERINTENDENT

October 30, 2019

VIA EMAIL ONLY

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ACLU of California
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RE: Response to October 28, 2019 Letter re Pupil Fees

Dear Counsel,

The South Pasadena Unified School District ("District") is in receipt of your letter dated October 28, 2019, and responds to your allegations contained therein.

In your October 28 letter you make various assertions without basing them in facts.

First, you state that the 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. The District does not charge unlawful pupil fees and is in compliance with the requirements under California law. Further, the District does indeed provide the proper notice to parents and guardians of students with regard to pupil fees.

Second, you charge that, without specificity, that "a student and parent were subjected to fees for participation in school activities." The District is not aware of any student or parent or guardian of the District that was charged a pupil fee in order to participate in school activities.

Third, again, without specificity, you allege that you have "heard concerns from parents about inadequate notice from the [D]istrict." You go on to state that the annual UCP notice from the District fails to inform parents that the District may not charge for materials or equipment required in class or extracurricular activities. You also state that the notice does not state that parents and students may file a UCP complaint after being subjected to school fees. Your statements here are incorrect. The District does indeed provide annual notice to parents and guardians regarding pupil fees and provides that complaints may be filed through the District's UCP process. (See Attached Uniform Complaint Procedure Annual Notice for 2019-2020) The California Department of Education annually provides a sample Uniform Complaint Procedure (UCP) Notice that the District replicates annually for distribution. This notice adheres to legislative requirements, including information about pupil fees. Further, if a pupil fee complaint is filed, it is done so pursuant to Board Policy and Administrative Regulation 1312.3, regarding Uniform Complaints. (See Attached Board Policy and Administrative Regulation 1312.3.)

To be sure, in the District's UCP Notice, it states, among other things: "A pupil fees complaint may be filed with the principal of a school or our superintendent or his or designee." Further, the UCP Notice provides: "A pupil enrolled in a school in our district shall not be required to pay a pupil fee for participation in an educational activity."

Fourth, while citing to California legal requirements, and CDE's July 28, 2017 Fiscal Management Advisory 17-01, you state that the annual UCP notice for the District does not make clear that "such fees are illegal in the first place." This statement itself is misleading. Per CDE's Amended Advisory, it states the general rule that "[a] pupil enrolled in a school shall not be required to pay any fee, deposit, or other charge not specifically authorized by law." (*California Code of Regulations*, title 5, section 350.) The Advisory does not say that pupil fees are illegal. Rather, as one can see when reading CDE's Advisory, there are indeed pupil fees that are permissible and those which are not permitted. As is stated in the Advisory: "The prohibition on 'pupil fees' as defined above does not prohibit imposition of a fee, deposit or other charge otherwise allowed by law. (*Ed. Code*, § 49011(e)). The legislature has passed a number of laws authorizing specific fees." Again, the District is not in the practice of inappropriately charging for educational materials and is not aware of any pupil fee violations on its part.

Fifth, you end your letter by stating that the "District must respect students' right to a free public education and eliminate inappropriate charges for educational materials [and the] District must clarify its policies and procedures to conform to" the UCP procedures per Education Code section 49103, subdivision (e). The District assures you that it protects the educational rights of all of its students and works to ensure that all students are provided with a free and appropriate public education. As stated above, the District's Annual UCP Notice to parents and guardians of the District complies with the Education Code's requirements.

Finally, I want to conclude by stating that we continue to strive to work with all stakeholders in our community, including your agency. As such, we would welcome the opportunity to meet with you to discuss these issues in a proactive and constructive manner.

Sincerely,



Geoff Yantz, Ed.D.
Superintendent
South Pasadena Unified School District

Enclosures

Uniform Complaint Procedure Annual Notice for 2019-2020
Board Policy and Administrative Regulation 1312.3