



Capistrano Unified School District

Excellence in Education

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January 7, 2011

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JOSEPH M. FARLEY, Ed. D.

Dear Community Member:

Many California school districts are modifying their practices concerning student fees, changing traditions that go back many years. This letter is to bring you up-to-date on this important topic.

This matter stems from a settlement that was reached in December between the State of California and the American Civil Liberties Union (ACLU), in a lawsuit regarding fees charged to students in violation of the free school guarantee in the state's Constitution. The constitutional provision prohibits charging student fees for curricular and extracurricular educational activities, unless the fees are specifically authorized by the Legislature. It applies to all public schools, including charters.

The ACLU settlement reinforced the prohibition on student fees by stressing that "pupils may not be charged fees or be required to purchase equipment or materials, to participate in a class or an extracurricular activity," even if the activity is voluntary and not for credit. All supplies, athletic equipment, musical instruments, materials and uniforms, for curricular and extracurricular activities, must be provided to pupils free of charge. The settlement agreement in this matter includes strict enforcement of this law and includes accompanying auditing provisions and penalties to guarantee its enforcement. This will have a major impact on practices in most California school districts.

Key provisions of the settlement agreement include:

- Legislation will be enacted that implements the settlement agreement as soon as possible, but no later than September 30, 2011.
- Regulations will be adopted that implement the regulatory proposals to the settlement and will be incorporated into annual auditing requirements of districts. These annual audits are done by independent, external auditing firms that submit their findings directly to the state.
- A notice will be posted in all classrooms notifying parents, guardians, pupils, and teachers that pupils may not be charged fees or be required to purchase equipment or materials to participate in any class or extracurricular activity.
- If a district is found in violation of these provisions, the state controller will withhold one percent of the District's total funding for administrative costs until the violation is corrected. Such correction must include a full reimbursement to parents, guardians, and pupils for any violation, including interest from the date that the violation occurred.



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I will convene a task force to help prepare the District for implementing the requirements of the settlement agreement. It will include representatives from schools, foundations, ASB organizations, PTA, and other parent/booster groups. The task force will assist in the development of specific recommendations for revised policies and practices that will eventually be presented to the Board of Trustees.

Should you wish more information on this important topic, or a list of permitted fees, please visit our District website at www.capousd.org.

Sincerely,

A handwritten signature in black ink that reads "Joseph M. Farley". The signature is written in a cursive style with a large, prominent "J" and "F".

Joseph M. Farley, Ed.D.
Superintendent

JMF:mew

c: Board of Trustees