

**IOWA DEPARTMENT
OF EDUCATION**
(Cite as 25 D.o.E. App. Dec. 62)

In re Petition for Declaratory Order

Ames Community School District, Petitioner, for a Declaratory Order Regarding the Legality of Certain Specified Student Fees	: : : : :	DECLARATORY ORDER [Adm. Doc. #4667]
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On or about February 4, 2008, the Petitioner [herein called "the District"] filed its petition for declaratory order asking clarification regarding a multitude of items for which fees are now charged by the Petitioner. Pursuant to rule 281—Iowa Administrative Code (IAC) 3.2, notice of the petition was provided to the Iowa Association of School Boards, School Administrators of Iowa, the Iowa Association of School Business Officers, and the Auditor of the State of Iowa. No petitions for intervention were received; however, informal input was sought and received from those entities.

Before ruling on the 17 specific "fees" as requested by the District, we note that we attach hereto two appendices. Appendix A is a table of common items sold or rented by districts followed by a yes/no indication as to whether a fee is allowable, and if so, under which of the seven categories. Appendix B includes the citations to specific statutes, rules, policies, decisions, and orders relied upon by this department in reaching our conclusions. We also believe it is instructive to summarize at the outset the seven broad categories of fees for which districts have statutory authority to charge and to discuss some categories at length.

Seven Categories of Allowable Fees

1. Textbooks (Iowa Code § 301.1)

We first note that Iowa is in the minority inasmuch as most states do not authorize school districts to charge a fee for the rental or sale of textbooks.

An Iowa district is authorized to sell at cost, loan for free, or rent textbooks to its pupils "at such reasonable fee as the board shall fix, and said money so received shall be returned to the general fund."¹ The statute defines "textbooks" to include "books and loose-leaf or bound manuals, systems of reusable instructional materials or combinations of books and supplementary instructional materials which convey information to the student or otherwise contribute to the learning process, or electronic textbooks, including but not limited to computer software, applications using computer-assisted instruction, interactive videodisc, and other computer courseware and magnetic media "

One statement we must reconcile comes from OAG #79-12-22, in which the Iowa Attorney General stated that "[e]xpendable worksheets are part of instruction and must be provided for free." This Attorney General Opinion was written in 1979, prior to the 1993 amendment to Iowa Code section 301.1, which added a definition of "textbooks." That 1993 amendment used the term "book substitutes" as a catch-all term for any nontraditional textbook. That term was discarded in 1996 by an amendment that expanded the definition of textbooks to include "reusable instructional materials or combinations of books and supplementary instructional

¹ Iowa Code sections 301.24 - .27 give the electorate the ability to direct that free textbooks be provided to the students of a district. See Appendix A for full text of these statutes

materials which convey information to the student or otherwise contribute to the learning process.”

Clearly, the Iowa Legislature intended to acknowledge that teachers use a great variety of materials in the learning process. We conclude that there is no reasonable means of distinguishing among supplementary instructional materials as to what among them is or is not to be provided for free. Specifically, the term “expendable worksheets” simply does not make much sense in this age of reproduction on demand. Nor does the term logically constitute a category distinct from “textbooks” under the current statutory definition.

On the other hand, *tuition* is not to be charged of resident students. Iowa Code section 282.6 states that public school “shall be free of tuition to all actual residents between the ages of five and twenty-one years. . . .” Tuition is not defined in either statute or rules. The Attorney General of Iowa states that “tuition appears to generally include the cost of facilities and instruction,” and further states if an item is “essential to the teacher’s presentation of a course,” the item is part of tuition and must be supplied for free. OAG #79-12-22. See also OAG #81-8-29 (tuition is “price or payment for instruction”) and discussion below under “School Supplies.”

The definition of textbook in Iowa Code section 301.1 (see Appendix B) appears to be rather broad; a district may sell or rent to students those items that are included in the definition

2. School Supplies (Iowa Code § 301.1)

Again, we first note that Iowa is in the minority of states in allowing school districts to charge a fee for “necessary school supplies.” Section 301.1.

The Iowa Attorney General has stated that if an item is “essential to the teacher’s presentation of a course,” the item is part of tuition and must be supplied for free. OAG #79-12-22. The Iowa Attorney General specifically gave as examples that a district may not charge a fee for art supplies for art class and chemicals for science class because these are items essential to the instruction of those classes, and therefore, are “tuition.” On the other hand, if a student voluntarily desired to “upgrade” his materials in a project in a woodworking course (for example, go from pine to cherry wood), the student would have to pay for the upgrade. The district must provide the basic pine for the instruction, but the student pays for voluntarily choosing a better quality of wood. The Attorney General also stated that a fee may be charged for such items as paper and writing utensils purchased by the district and used by students because, while “clearly important to the education process,” these items are “not essential to the teacher’s presentation of a course.” OAG #79-12-22. These supplies may be sold to students at cost or rented for a reasonable fee.

We understand that the Petitioner District believes that this Attorney General’s Opinion is faulty. However, nothing has changed in Iowa’s statutes or caselaw since the Opinion was issued in 1979. As discussed above under “Textbooks,” we deviate in this Order from OAG #79-12-22 regarding its statement that there may be no fee for expendable worksheets, and we do so based on a subsequent (1993) statutory change. We have no means of justifying any further deviation. It falls to the General Assembly of Iowa to determine whether to add a definition of “necessary school supplies,” as that term is used in section 301.1.

3. Eye Protective Devices (Iowa Code § 280.10)

Every student and teacher must wear “industrial quality eye-protective devices” in certain vocational or industrial arts courses. The local school board may require students and teachers to pay for the safety devices and shall make them available to students and teachers at no more than the actual cost to the district.

4. Ear Protective Devices (Iowa Code § 280.11)

Every student and teacher must wear “industrial quality ear-protective devices” in certain vocational or industrial arts courses. The local school board may require students and teachers to pay for the safety devices and shall make them available to students and teachers at no more than the actual cost to the district.

5. Summer School Courses (Iowa Code § 282.6)

"[F]ees may be charged covering instructional costs for a summer school ... program."

6. Driver Education Courses (Iowa Code § 282.6)

A 1992 amendment to section 282.6 added driver education courses: "[F]ees may be charged covering instructional costs for a ... drivers education program."

7. Discretionary Transportation (Iowa Code § 285.1(1))

Elementary students who reside more than two miles and secondary students who reside more than three miles from their attendance centers are entitled to free transportation. A district does not have to provide transportation to resident students who are not entitled to free transportation. If a district offers such discretionary transportation, it may charge a fee which may not exceed its actual costs.

The unsettled question is whether transportation associated with extracurricular activities is discretionary transportation for which a fee may be charged. Heretofore, this agency has acknowledged that there is a split among educators and education lawyers about whether a fee may be charged for this transportation.

We now resolve the issue by giving the benefit of the doubt to the students who wish to participate in these activities. We recognize that most, if not all, schools require participants in extracurricular activities to use the school's transportation to and from "away" contests. Thus, a fee for the cost of transportation comes dangerously close to "pay to play," which is not allowed in Iowa.

Charges that are not the same as School Fees (Student Fees)

On occasion, this agency has used the term "student fees" to characterize charges that are not fees in the same sense as are the above seven categories. For instance, in the mid-1990s this agency collaborated with other state education stakeholder groups to produce a "Student Fees Guide," which lists "Types of Fees" followed by a check behind "Yes" or "No" as to whether statutory authority exists for charging the "fee." The listed fees included the seven categories above, but also included such items as cap and gown rental, parking permits, postage, yearbooks, class rings, and dance tickets. In each case, the Guide indicated "No" authority to charge a "fee" for the item. This has led to confusion about whether a district may charge for certain items.

We take this opportunity to rule that *tangible items that are not related to instruction, the purchase of which is strictly voluntary, and ownership of which inures to the purchaser* should not be characterized as student fees. School districts may charge students for the actual cost of such items, including activity tickets, school newspaper, yearbook, postage, activity calendar, class rings, and dance tickets. This is not an exhaustive list, of course, but is just illustrative.

In addition, districts may charge a *fine* for overdue, lost or damaged school property. A fine is not a fee, and thus is not subject to waiver 281—IAC 18.4.

Petitioner's Specific List

(For the ease of the reader, we letter these to correspond with the Petition filed by Ames Community School District herein.)

a. NSF check costs

This is not a school fee at all. It is a cost that a district incurs as a creditor when a debtor issues a check for which there are insufficient funds. Inasmuch as this is not related to course offerings and related activities of a school, such costs are not a part of the fees discussion. The ability of a district to charge for these costs is solely dependent on creditor/debtor law.

b. Periodicals used individually by students and retained by students

Education periodicals used and retained by students individually are textbooks. Districts have discretion to charge a fee for these under Iowa Code section 301.1.

c. Student planners

We understand that many districts provide student planners as a tool to help students with organizational skills. The Petitioner District requires that students purchase these (and the students keep them). The planners are not tuition because they are not integrally related to instruction. The question is whether the planners are "important to the education process," as demonstrated by how they are used in a particular district. Student planners that are used consistently by a district and its students as a means of communicating student-to-staff, student-to-parents, parents-to-staff; as a means of teaching organizational skills; and that otherwise are shown to enhance the students' educational experience are most likely acceptable as school supplies necessary to the educational program. Thus, a school supply fee may be charged for the student planner.

d. Purchase or rental of uniforms for physical education (P.E.) class

Uniforms for physical education class are not integrally related to instruction, so they cannot be classified as tuition, but the importance of such uniforms to instruction was not addressed in this action. We do believe that a district will have a much harder time demonstrating the importance of physical education uniforms to the education process as opposed to the importance of student planners to the education process, but we cannot preclude the possibility that the case could be convincingly made regarding P.E. uniforms. Our preference is that students be given reasonable parameters in which to provide the students' own t-shirts and shorts or other suitable clothing. Certainly, a district may establish a reasonable dress code for P.E. clothing, such as requiring that tops and bottoms not be overly restrictive or revealing.

e. Student activity ticket

Student activity tickets must be a voluntary purchase item. Inasmuch as activity tickets are tangible items not related to instruction that become the property of the student, school districts may charge students for no more than the actual value of activity tickets.

f. Workbooks and other materials consumed by students individually and retained by the students

Workbooks are within the definition of textbooks, and districts may charge a fee for no more than the actual cost of the same. A fee may also be charged for worksheets as they may be classified either as textbooks or as necessary school supplies.

The Petitioner District also asks about "material used for projects produced as a class requirement but owned by the student upon completion, and materials consumed individually by the student in laboratory activities." This question was answered directly by the Iowa Attorney General in OAG #79-12-22. See page 63 and our discussion under "school supplies." The answer here is that a fee may not be charged for such materials.

g. Rental of musical instruments, performance uniforms/robes, athletic equipment, lockers and locks

Musical instruments in band or orchestra are arguably tantamount to textbooks, in that they are "supplementary instructional materials which ... otherwise contribute to the learning process." Iowa Code section 301.1. Thus, a rental fee may be charged for musical instruments.

Lockers are as much a fixture in attendance centers as are classrooms. To charge a fee for locker rental is more akin to tuition. As for locks, a combination lock is an integral part of the locker; a fee for that type of lock may not be charged. Any other type of lock is not a "necessary school supply," and thus there is no authority for charging a fee.

In OAG # 92-11-3, the Iowa Attorney General found that performance uniforms/robes and athletic equipment may be purchased by a district from its general fund if those items are associated with an activity that is a part of the district's educational program and if wearing/using the same is

required of students. Admittedly, the question before the Attorney General was not whether the district could defray these expenses via student fees. However, we believe a finding by this agency that those items are necessary school supplies is consistent with OAG # 92-11-3. Thus, we need to now examine whether they are essential to instruction.

Performance uniforms/robes are necessary supplies but are not essential to instruction. A rental fee may be charged for these items to cover the cleaning and general wear-and-tear of the same.

Athletic equipment includes uniforms regulated by a governing association's rulebook, protective gear, equipment necessary for the venue (nets, goals, baskets, etc.), and equipment used by the competitors (balls, track and field implements, etc.). Items included under "athletic equipment" are the equivalent of "essential to instruction" for which no fee may be charged. We consider a towel fee (discussed in paragraph "q" below) to be an exception because towels are not essential to instruction.

h. Cost of (dry) cleaning uniforms/robes

Because this agency interprets "necessary school supplies" to include uniforms and performance robes that are required, the cost of cleaning of the same is a reasonable part of the fair rental value and may be charged to students.

i. Memory books/yearbooks/class rings

These items must be voluntary purchase items. As with activity tickets, inasmuch as all of these items are tangible items not related to instruction that become the property of the student, school districts may charge students for the actual value of each.

j. Admission to museum or charge for bowling (e.g.) when part of a class activity

Costs associated with field trips (museum admissions, transportation, e.g.) may not be passed along to students if the field trip is part of a class, whether or not attendance is mandatory. When a field trip is part of a class, the activity is part of instruction, and therefore falls under tuition, not an allowable fee. [If the activity is not part of instruction, the field trip should not be taking place during a "day of instruction" unless the day is not counted by the district as one of its 180 days of instruction for students.] Therefore, there may be no charge passed along to students for an activity that is even more clearly a part of a class activity, such as the bowling unit for physical education.

k. Uniform "consumables fee" for other school supplies

A district may charge for items that fall under the definition of school supplies, and the Iowa Attorney General has stated that such a charge may be assessed as a uniform fee. However, inasmuch as it is not reasonable for a district to assume that all K – 12 students uniformly consume the same type and amount of school supplies, we require that such a fee be calculated per grade level groupings (e.g., elementary, middle school, high school).

l. Participation in intramural activities

See paragraph "q" below; we see no justification to treat participation in intramurals differently from participation in other extracurricular events.

m. Parking sticker

Iowa Code section 279.8 provides authority for local school boards to provide for the registration of vehicles and bicycles that use the district's parking lots. This agency believes that imposing a modest charge for a parking sticker so school officials know which student vehicles have permission to use their lots is "necessarily or fairly implied in or 'incident to'" this expressly granted authority.

n. Senior fee

As further described by the Petitioner, this "fee" covers the following: cap and gown, tassel, sash, diploma, diploma cover, flowers, balloon drop, and security at graduation. With the exception of the diploma, none of these items are necessary school supplies. Because districts have an obligation to provide a diploma to all students who meet graduation requirements, it would be

academically dishonest to withhold an earned diploma. There can be no fee associated with the awarding of the diploma. [We take this opportunity to remind districts that an earned diploma may not be withheld if a student has unpaid fines, school lunch fees, or other outstanding amounts owed to the district.]

The cap and gown, tassel, and sash, as well as the diploma cover, must be voluntary purchases; therefore, a fee may be charged. But any district that chooses to provide flowers, balloon drop, and/or security at graduation may not pass along any of these expenses by way of a school fee

o. Duplicate student ID card

A student may be assessed a charge, not to exceed the actual cost to the district, for the issuance of a duplicate student ID card. This is akin to a fine.

p. Transportation costs associated with extracurricular program

As discussed on pages 63-64 herein, no student may be assessed a fee to cover transportation costs of an extracurricular program or activity

q. Participation in extracurricular program

No student may be assessed a fee merely for participating in an extracurricular activity or program. Iowa is not a "pay to play" state. But this does not mean that "fees which can appropriately be charged as school supply fees pursuant to § 301.1 cannot be charged in connection with tangible items used in extracurricular activities." OAG # 81-8-29. A towel is not essential to instruction; thus, a modest towel fee may be charged. A fee may not be charged for equipment, coaching salaries, or the cost of officials. These costs are equivalent to "essential to instruction" in the extracurricular realm.

Mandatory Policies

Public school administrators are reminded that their boards are required to adopt one or more policies that address the following issues:

- a. Charging and collecting fees for course offerings and related activities (the seven allowable fees)
- b. Discretionary transportation (if a district provides discretionary transportation, say so in policy and address the fees in policy)
- c. Provisions for full, partial, and temporary waivers (with income guidelines)

These policies must be given to students or families at the time of registration or enrollment. For students or families whose primary language is other than English, the school shall provide a copy of the materials in the student's native language or arrange for translation of the materials within a reasonable time 281—IAC chapter 18.

This declaratory order has the same status and binding effect as a final order issued in a contested case proceeding

Issued this 7th day of August, 2008.


 Judy A. Jeffrey, Director

APPENDIX A

ITEM	FEE ALLOWED?	RATIONALE
Textbooks, including electronic textbooks, and supplementary instructional materials which convey information to the student or otherwise contribute to the learning process	Yes	Authorized by Iowa Code section 301.1 as textbooks
Software used for instruction	Yes	Authorized by Iowa Code section 301.1 as textbooks
Worksheets	Yes	Authorized by Iowa Code section 301.1 as textbooks
Student planners	Yes	Authorized by Iowa Code section 301.1 as school supply
Towel fee	Yes	Authorized by Iowa Code section 301.1 as school supply
Fee for costs of cleaning and general wear-and-tear of marching band uniform or choir performance robe	Yes	Authorized by Iowa Code section 301.1 as school supply
Rental of musical instrument	Yes	Authorized by Iowa Code section 301.1 as textbooks
Chemicals, apparatus used by every student in chemistry class Wood in wood shop Foods in food class Cloth, sewing supplies in sewing class	No	Prohibited by Iowa Code section 282.6 and OAG # 79-12-22 as "tuition"
Difference between the basic raw material (see row directly above) and a student's voluntarily chosen upgrade (e.g., pine wood upgraded to walnut or basic cotton cloth upgraded to finer grade of cloth)	Yes	Authorized by Iowa Code section 301.1 as school supply
Eye protective device	Yes	Authorized by Iowa Code section 280.10
Ear protective device	Yes	Authorized by Iowa Code section 280.11
Driver education course	Yes	Authorized by Iowa Code section 282.6
Summer school courses	Yes	Authorized by Iowa Code section 282.6
Discretionary transportation of pupils to and from school (less than 2 miles from elementary or middle school or less than 3 miles from high school)	Yes	Authorized by Iowa Code section 285.1(1)
Transportation for extracurricular events	No	Prohibited by Iowa Code section 285.10(9)
Any cost associated with field trips (e.g., admission, transportation)	No	Prohibited by Iowa Code section 282.6 as "tuition" assuming the field trip is

		during a day that is counted by the district as a day of instruction
Line fees for bowling as part of Physical Education cost	No	Prohibited by Iowa Code section 282.6 as "tuition"
Flowers, balloon drop, other decorations, security – all associated with graduation ceremony	No	No authorization exists and there is no means by which this can be made voluntary for individual students
Locker, lock fees	No	Prohibited by Iowa Code section 282.6 as "tuition" (part of facility)
ITEMS FOR SALE AS VOLUNTARY PURCHASES TO STUDENTS	CHARGE ALLOWED FOR NO MORE THAN ACTUAL COST?	RATIONALE
Parking permit	Yes	Authorized by Iowa Code section 279.9
Yearbook, Memory Book, School Newspaper	Yes	As long as the purchase is voluntary, this is not regulated by state law
Class ring	Yes	As long as the purchase is voluntary, this is not regulated by state law
Dance tickets	Yes	As long as the purchase is voluntary, this is not regulated by state law
Activity tickets	Yes	As long as the purchase is voluntary, this is not regulated by state law
Graduation cap, gown, tassel	Yes	As long as the purchase is voluntary, this is not regulated by state law
Diploma	No	If earned, the district must provide a diploma and there is no authorization by which to charge a fee for doing so
Diploma cover (<i>not</i> the diploma itself)	Yes	As long as the purchase is voluntary, this is not regulated by state law
MISCELLANEOUS ITEMS FOR WHICH A CHARGE IS ALLOWED	CHARGE ALLOWED FOR NO MORE THAN ACTUAL COST?	RATIONALE
NSF check charges	Yes	This is not regulated by education law
Duplicate student IDs	Yes	This is not regulated by education law
Fines for overdue school books or lost, damaged, destroyed items	Yes	Permitted by 281—IAC 18.4
Monetary penalty for violation of parking regulation	Yes	Authorized by Iowa Code section 279.8A, if amount is reasonable

APPENDIX B

Iowa Code Provisions:

279.8 General rules - bonds of employees.

The board shall make rules for its own government and that of the directors, officers, employees, teachers and pupils, and for the care of the schoolhouse, grounds, and property of the school corporation, and shall aid in the enforcement of the rules, and require the performance of duties imposed by law and the rules.

279.8A Traffic and parking.

The board may make necessary rules to provide for the policing, control, and regulation of traffic and parking of vehicles and bicycles on school grounds. The rules may provide for the registration of vehicles and bicycles; the designation of parking areas;

Rules made under this section may be enforced under procedures adopted by the board. Penalties may be imposed for violation of the rules, including, but not limited to, a reasonable monetary penalty. The rules made under this section may also be enforced by the impoundment of vehicles and bicycles for violation of the rules.

280.10 Eye-protective devices.

Every student and teacher in any public or nonpublic school shall wear industrial quality eye-protective devices at all times while participating, and while in a room or other enclosed area where others are participating, in any phase or activity of a course which may subject the student or teacher to the risk or hazard of eye injury from the materials or processes used

The board of directors of each local public school district and the authorities in charge of each nonpublic school shall provide the safety devices required herein. Such devices may be paid for from the general fund, but the board may require students and teachers to pay for the safety devices and shall make them available to students and teachers at no more than the actual cost to the district or school.

280.11 Ear-protective devices.

1. Every student and teacher in any public or nonpublic school shall wear industrial quality ear-protective devices while the student or teacher is participating in any phase or activity of a course which may subject the student or teacher to the risk or hazard of hearing loss from noise in processes or procedures used in vocational or industrial arts shops or laboratories

3. The board of directors of each local public school district and the authorities in charge of each nonpublic school shall provide the safety devices required in this section. Such devices may be paid for from the general fund, but the board may require students and teachers to pay for the safety devices and shall make them available to students and teachers at no more than the actual cost to the district or school

282.6 Tuition.

Every school shall be free of tuition to all actual residents between the ages of five and twenty-one years, provided, however, fees may be charged covering instructional costs for a summer school or drivers education program.

285.1 When entitled to state aid.

1. The board of directors in every school district shall provide transportation, either directly or by reimbursement for transportation, for all resident pupils attending public school, kindergarten through twelfth grade, except that:

a. Elementary pupils shall be entitled to transportation only if they live more than two miles from the school designated for attendance.

b. High school pupils shall be entitled to transportation only if they live more than three miles from the school designated for attendance

c. Children attending prekindergarten programs offered or sponsored by the district or nonpublic school and approved by the department of education or department of human services or children participating in preschool in an approved local program under chapter 256C may be provided transportation services. However, transportation services provided nonpublic school children are not eligible for reimbursement under this chapter.

Boards in their discretion may provide transportation for some or all resident pupils attending public school or pupils who attend nonpublic schools who are not entitled to transportation. Boards in their discretion may collect from the parent or guardian of the pupil not more than the pro rata cost for such optional transportation, determined as provided in subsection 12.

285.10 Powers and duties of local boards.

9 In the discretion of the board, furnish a school bus and services of a qualified driver to an organization of, or sponsoring activities for, senior citizens, children, persons with disabilities, or other persons and groups in this state. The board shall charge and collect an amount sufficient to reimburse all costs of furnishing the bus and driver except when the bus is used for transporting pupils to and from extracurricular activities sponsored by the school. A school bus shall be used as provided in this subsection only at times when it is not needed for transportation of pupils.

10 In the discretion of the board furnish a school bus and services of a qualified driver for transportation of persons other than pupils to activities in which pupils from the school are participants or are attending the activity or for which the school is a sponsor. The board shall charge and collect an amount sufficient to reimburse all costs of furnishing the bus and driver. A school bus shall be used as provided in this subsection only at times when it is not needed for transportation of pupils.

301.1 Adoption - purchase and sale - accredited nonpublic school pupil textbook services.

1 The board of directors of each and every school district is hereby authorized and empowered to adopt textbooks for the teaching of all branches that are now or may hereafter be authorized to be taught in the public schools of the state, and to contract for and buy said books and any and all other necessary school supplies at said contract prices, and to sell the same to the pupils of their respective districts at cost, loan such textbooks to such pupils free, or rent them to such pupils at such reasonable fee as the board shall fix, and said money so received shall be returned to the general fund.

3. As used in subsection 2, "textbooks" means books and loose-leaf or bound manuals, systems of reusable instructional materials or combinations of books and supplementary instructional materials which convey information to the student or otherwise contribute to the learning process, or electronic textbooks, including but not limited to computer software, applications using computer-assisted instruction, interactive videodisc, and other computer courseware and magnetic media.

301.24 Petition - election.

Whenever a petition signed by one hundred eligible electors residing in the school district or a number of eligible electors residing in the school district equal to at least ten percent of the number of voters in the last preceding regular school election, whichever is greater, is filed with the secretary thirty days or more before the regular election, asking that the question of providing free textbooks for the use of pupils in the school district's attendance centers be submitted to the voters at the next regular election, the secretary shall cause notice of such proposition to be given in the notice of such election.

301.25 Loaning books.

If, at such election, a majority of the legal voters present and voting by ballot thereon shall authorize the board of directors of said school district to loan textbooks to the pupils free of charge, then the board shall procure such books as shall be needed, in the manner provided by law for the purchase of textbooks, and loan them to the pupils.

301.26 General regulations.

The board shall hold pupils responsible for any damage to, loss of, or failure to return any such books, and shall adopt such rules and regulations as may be reasonable and necessary for the keeping and preservation thereof. Any pupil shall be allowed to purchase any textbook used in the school at cost. No pupil already supplied with textbooks shall be supplied with others without charge until needed.

301.27 Discontinuance of loaning.

The electors may, at any election called as provided in section 301.24, direct the board to discontinue the loaning of textbooks to pupils.

281—Iowa Administrative Code Chapter 18, School Fees

281-18.1(256) Policy. It is the policy of the department of education that no Iowa student enrolled in a public school be excluded from participation in or denied the benefits of course offerings and related activities due to the student's or the student's parent's or guardian's financial inability to pay a fee associated with the class, program, or activity.

281-18.2(256) Fee policy. The board of directors of a public school shall adopt a policy regarding the charging and collecting of fees for course offerings and related activities, and for transportation provided to resident students who are not entitled to transportation under Iowa Code section 285.1. The policy

established by the board of directors shall apply to any fees charged. The board shall require that procedures be developed to implement the policy pursuant to these rules.

281-18 3(256) Eligibility for waiver, partial waiver or temporary waiver of student fees. The policy required by rule 18 2(256) shall include provisions for granting a waiver, partial waiver, or temporary waiver of student fees upon application by the student.

18 3(1) Waivers. At minimum, the policy shall include the following provisions relating to eligibility for the waivers:

a. Waiver. A student shall be granted a waiver of all fees covered by this chapter if the student or the student's family meets the financial eligibility criteria for free meals offered under the Child Nutrition Program, or the Family Investment Program (FIP), or transportation assistance under open enrollment provided under 281-subrule 17.9(3), or if the student is in foster care.

b. Partial waiver. A school district shall grant a student either a waiver of all student fees or a partial waiver of student fees if the student or the student's family meets the financial eligibility criteria for reduced price meals offered under the Child Nutrition Program. A partial waiver shall be based on a sliding scale related to an ability to pay.

c. Temporary waiver. At the discretion of the school district, a student may be granted a temporary waiver of a fee or fees in the event of a temporary financial difficulty in the student's immediate family. A temporary waiver may be applied for and granted at any time during a school year. The maximum length of a temporary waiver shall be one year.

281-18 4(256) Fees covered. Fines assessed for damage or loss to school property are not fees and need not be waived.

Attorney General's Opinions:

OAG # 79-7-20 (Jul 16, 1979)

OAG # 79-12-22 (Dec 28, 1979)

OAG # 81-8-29 (Aug 21, 1981)

OAG # 82-5-16(L) (May 28, 1982)

OAG # 92-11-3 (Nov 12, 1992)

OAG # 93-7-3(L) (Jul 12, 1993)