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GOVERNOR


STATE OF MICHIGAN  
DEPARTMENT OF EDUCATION  
LANSING

MICHAEL P. FLANAGAN  
SUPERINTENDENT OF  
PUBLIC INSTRUCTION

September 8, 2011

**MEMORANDUM**

TO: Local and Intermediate School District Superintendents, Public School Academy Authorizers and Directors

FROM: Mike Flanagan, Superintendent of Public Instruction 

SUBJECT: Guidance Regarding School District Student Fees and Costs

Welcome back to another great school year. As we begin, I want to clarify issues regarding the charging of student fees.

Given recent budget challenges, many local school districts are under pressure. School districts have a myriad of responsibilities and obligations under state and federal laws. Chief among them is ensuring that children are entitled to a system of free public elementary and secondary schools. Further, we know of your desire to offer the best possible education to our children with the resources available.

At least since 1965, the State Board of Education has been firmly on record as favoring the provision of free textbooks and other materials to the children attending public schools in the state of Michigan.

In 1970, the Michigan Supreme Court ruled, in the case of Bond, et al vs. the Ann Arbor School District, that school districts may not collect fees for items that are necessary elements of a school's activities or an integral, fundamental part of elementary and secondary education.

In March of 1972, the State Board of Education developed a position statement regarding Free Textbooks, Materials, and the Charging of Fees. For your information, this position statement is available on the Department's website, [http://www.michigan.gov/documents/freetextbooksmaterialsandchargingfees\\_122776\\_7.pdf](http://www.michigan.gov/documents/freetextbooksmaterialsandchargingfees_122776_7.pdf).

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In short, the position clearly indicates that:

- School districts may not make charges for any required or elective course, such as for general or registration fees, course fees, and/or textbook and school supplies. School district may determine the reasonable quality and quantity of school supplies that will be provided. The district may also determine the length of time such materials are provided.
- School districts may charge fees for extracurricular activities, but only on a "Pay to Participate" or "Pay to Play" basis. Fees that are portrayed as mandatory costs for families are not allowable. School districts also should make provisions so that students without financial means are not excluded, within reason.
- School districts can require a reasonable and refundable deposit on textbooks to cover damages.
- If band or orchestra is offered as part of the curriculum and a grade and credit are given, then the school district is required to provide instruments free, on a reasonable basis, to qualified students. It does not mean that a school district must consider owning enough instruments to provide each eligible student with an instrument of his or her choice. Qualified only refers to reasonable student aptitude or ability, not availability of instrument.
- Any locker fees, instrument, or uniform rental fees collected in advance should be refunded to the student.
- Project materials for required or elective classes, such as shop, art, drafting, science, or home economics must be provided to the student at no charge.

A few examples follow:

School districts **must** provide the following items free of charge for any required or elective course:

- Pencils, paper, crayons, scissors, glue sticks
- Textbooks (regular or supplemental)
- Weekly readers or other periodicals if required for classroom use

School districts **may not** make charges related to any required or elective course for:

- Towels, locks, and lockers
- Shop materials
- Drafting supplies
- Home Economic materials
- Workbooks
- Materials in science classes
- School education trips that are required to successfully achieve course credit
- Vocational or special education

School districts **may** charge students, on a participant basis only, for:

- Class or organizational dues, and admission fees to athletic contests
- Lunch
- Fees for external tests, such as National Merit and college entrance exams
- Yearbooks
- Athletic shoes
- Bus transportation for nonresident students
- School sponsored educational trips not directly related to the curriculum
- Vaccinations
- Summer school courses or programs not part of a scheduled year-round program
- Caps and gowns

I want to commend you for the local partnerships you have developed with business, foundations, community, and parent groups to help offset the increased costs often associated with delivering a high quality education during these tough economic times. Further, thank you for your creativity, innovation, and the administrative efficiencies you have put into place to target the maximum amount of dollars towards teaching and learning.

The State Board of Education and I are committed to partnering with you to do all we can to help lift up our schools, our teachers, and most importantly, our children. Please feel free to contact me if you have additional questions.

cc: Michigan Education Alliance  
State Board of Education members