

# CLIENT NEWS BRIEF

## Reminders and Developments Regarding AB 1575 and Student Fees

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Assembly Bill (AB) 1575, which added Education Code section 49010 et seq. and now governs practices relating to student fees, charges and deposits, went into effect January 1, 2013. (See [Client News Brief No. 58, October 2012](#).) Now is good time to review certain efforts required by school districts under AB 1575, as well as take inventory of recent developments on this issue relative to the State Board of Education (SBE) and California Department of Education (CDE).

As of March 1, 2013, all school districts were required to ensure that their Uniform Complaint Procedure (UCP) policies, regulations and procedures were modified to address complaints regarding allegedly improper student fees, charges, and deposits under AB 1575. Related to this point, the SBE has proposed regulations to address certain aspects of student fee complaints and remedies under the UCP. (See the Proposed Regulations [on the CDE's website](#).) Of note, the proposed regulations would provide that "(p)upil fee complaints shall be filed not later than one year from the date the alleged violation occurred." The public comment period on the proposed regulations closed on May 14, 2013.

Additionally, consistent with its obligations under AB 1575, the CDE has issued non-regulatory guidance regarding pupil fees, deposits and other charges in its [Fiscal Management Advisory 12-02](#). The CDE's newly issued student fees guidance is generally the same as the guidance published in November 2011. This said, the CDE's current guidance appears to differ in certain regards with guidance it issued on student fees in 1997. For example, while the CDE's 1997 guidance permitted schools to require students to purchase their own P.E. uniforms under certain conditions, the new 2013 guidance is not clear on this point. While the CDE's current student fees guidance is not binding, it is likely to inform the CDE's adjudication of pupil fee complaint appeals under the UCP process.

Lozano Smith requested specific clarification from the CDE regarding certain issues in its current student fee guidance, including with regard to P.E. uniforms and the scope of permissible fees and charges related to field trips under Education Code section 35330. While the CDE did not directly respond or provide clarification on the issues we raised, CDE officials indicated that they will be resolving student fee issues through the UCP appeal process. The officials also stated the CDE intends to provide updates to school districts regarding the outcomes of such appeals, so that school districts know the CDE's position on the specific student fee issues addressed through the UCP appeal process.

If you have any questions about permissible or impermissible student fees, necessary revisions to UCP policies and regulations to address student fee complaints, or investigating and responding to student fee complaints, please feel free to contact one of our [eight offices](#) located statewide. You can also visit our [website](#), follow us on [Facebook](#) or [Twitter](#), or download our [Client News Brief App](#).



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