

# CLIENT NEWS BRIEF

## CDE Issues Guidance Prohibiting Fees for Caps and Gowns When Required to Participate in Graduation Ceremonies

On October 4, 2013, the California Department of Education (CDE) issued an [Addendum](#) to its [Fiscal Management Advisory 12-02 regarding Pupil Fees, Deposits, and Other Charges](#), addressing for the first time the propriety of imposing on students rental or purchase fees for graduation caps and gowns. The CDE's new guidance states that if wearing a cap and gown is a condition for participation in a graduation ceremony, a school district cannot require students to purchase or pay a rental fee for a cap and gown. For districts that require students to wear a cap and gown at a graduation ceremony, the CDE recommends informing students that: "(1) the district will provide caps and gowns for use during the ceremony; and (2) students have the option to purchase an appropriate cap and gown from a vendor" (as their own personal property and keepsake). Further, the CDE directs that "(n)o student should be required to self-identify as indigent in order to receive a cap and gown from the district."

The CDE's new guidance is based on the view that, under Education Code section 49011(e) and relevant case precedent, graduation ceremonies are an integral part of the educational process, and therefore an "educational activity" for which participation may not be conditioned on the payment of any fee or charge. This guidance may constitute a significant change in practice. For many years, districts around the state maintained policies regarding permissible student fees which listed fees for the renting or purchase of caps and gowns. Districts that have already solicited payment of fees or charges for the renting or purchase of caps and gowns for 2013-2014 school year graduation ceremonies will need to consider steps to address those requests in light of the CDE's new guidance.

For more information on permissible and impermissible student fees, please see some of our more recent client news brief on the subject in [Lozano Smith Client News Brief No. 41 \(2013\)](#) and [Lozano Smith Client News Brief No. 24 \(2013\)](#). If you have questions or concerns regarding permissible or impermissible student fees, or with regard to the impact of the CDE's new guidance on your district's policies and practices, 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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