



Q&A: Minnesota Public School Fee Law

The Minnesota Department of Education (MDE), Division of Compliance and Assistance, has developed this document to address questions raised by parents, public school districts, and charter schools regarding Minnesota's public school fee laws. The purpose of this document is to provide helpful, general information to the public. It does not constitute legal advice nor is it a substitute for consulting with a licensed attorney. The information below should not be relied upon as a comprehensive or definitive response to your specific legal question.

Question 1: What laws apply when a public school district charges fees to its students?

Answer: The Minnesota Public School Fee Law explains what types of fees a public school district or charter school may and may not charge. Here is an overview of the legal citations:

- Minnesota Statutes, section 123B.35, lays out the general state policy regarding student fees.
- Minnesota Statutes, section, 123B.36 lists authorized fees.
- Minnesota Statutes, section 123B.37, establishes a list of prohibited fees.
- Minnesota Statutes, section, 123B.38, establishes the process for schools to set fees that are neither authorized nor prohibited.

Authority: Minn. Stat. §§ 123B.35-123B.39.

Question 2: Does the Minnesota Public School Fee Law apply to charter schools?

Answer: Yes. A charter school must follow the Minnesota Public School Fee Law.

Authority: Minn. Stat. § 124D.10 subd. 8(i).

Question 3: What is the purpose of the Minnesota Public School Fee Law?

Answer: State policy balances the rights of all public school district students and charter school students to equal access to public education with the rights of districts. School boards have the right to accept voluntary contributions, to make certain charges, and to establish fees in areas considered extra-curricular, non-curricular

or supplementary to the requirements for the successful completion of a class or educational program. No school board may require, except as authorized by Minnesota Statutes, sections 123B.36 and 123B.38, the payment of fees.

Authority: Minn. Stat. § 123B.35; Minn. Stat. § 123B.36; and Minn. Stat. § 123B.38

Question 4: What is the definition of curricular?

Answer: Curricular means those portions of a school program for which credit is granted. This definition applies equally to required or elective curricular programs.

Authority: Minn. R. 3500.1050, subp. 2

Question 5: What is the definition of non-curricular, extracurricular or supplementary?

Answer: Non-curricular activities means those activities that include all direct and personal services for public school students and charter school students for their enjoyment that are managed and generally operated under the guidance of an adult or a district staff member. Extracurricular and supplementary have the same meaning as non-curricular. Non-curricular activities have all of the following characteristics:

- They are not offered for credit or required for graduation.
- They are conducted for the most part during other than school hours, or if partly during school hours, at times agreed by the participants, and approved by school authorities.
- The content of the activities is determined primarily by the interests of the student participants and their parents with the guidance of the district staff member or other adult.
- Except for direct salary costs and indirect costs for the use of school facilities, the activity is self-sustaining as all other expenses are met by dues, admissions, or other student fundraising events.

Authority: Minn. R. 3500.1050, subps. 4-6

Question 6: What types of school fees are authorized under the Minnesota Public School Fee Law?

Answer: Public school districts and charter schools may charge fees in the following areas:

- In any program where the resultant product, in excess of minimum requirements and at the pupil's option, becomes the personal property of the student.
- Admission fees or charges for extracurricular activities, where attendance is optional and where the admission fees or charges a student must pay to attend or participate is the same for all students, regardless of whether the student is enrolled in a public, charter, or a home school.

- A security deposit for the return of materials, supplies, or equipment.
- Personal physical education and athletic equipment and apparel, although any student may personally provide it if it meets reasonable requirements and standards relating to health and safety established by the board.
- Items of personal use or products that a student has an option to purchase such as student publications, class rings, annuals, and graduation announcements.
- Fees specifically permitted by other statutes (e.g. driver's education courses; field trips considered supplementary to a district educational program).
- Any authorized voluntary student health and accident benefit plan; reasonable rental fee for musical instruments rented or owned by the district.
- Transportation to and from extracurricular activities where attendance is optional.
- Motorcycle classroom education courses conducted outside of regular school hours (limited to actual cost).
- Transportation to and from post-secondary education option (PSEO) institutions (see Minn. Stat. § 123B.36, subd. 1(b)(13) for more details).

Authority: Minn. Stat. § 123B.36, subd. 1(b)

Question 7: May a public school district or charter school charge a fee if it is not specifically authorized or prohibited under state law?

Answer: Public school districts and charter schools have the choice to seek school board action to collect student fees for items that are not specifically authorized or prohibited under state law. Before charging such a fee, the school board must post a notice for three weeks of the proposed fee adoption and then hold a school board meeting to discuss and vote on adoption of the fee.

Authority: Minn. Stat. § 123B.38

Question 8: What types of school fees does the law prohibit public school districts and charter schools from charging?

Answer: Public school districts and charter schools are prohibited from charging students fees for:

- Textbooks, workbooks, art materials, laboratory supplies, towels.
- Supplies necessary for participation in any instructional course except as authorized in sections 123B.36 (see Question 6) and 123B.38 (See Question 7).
- Field trips that are required as a part of a basic education program or course.
- Graduation caps and gowns, and specific form of dress necessary for any educational program, and diplomas.
- Instructional costs for necessary school personnel employed in any course or educational program required for graduation.
- Library books required to be utilized for any educational course or program.

- Admission fees, dues, or fees for any activity the pupil is required to attend.
- Any admission or examination cost for any required educational course or program locker rentals.
- Transportation to and from school of students living two miles or more from school.

Authority: Minn. Stat. § 123B.37

Question 9: May a public school district or charter school charge a fee for materials a student will use during an industrial technology class?

Answer: It depends. To be an authorized fee, the public school district or charter school must determine if the student will make an end product that the student is able to keep, which goes beyond the minimum requirements for the class. If the fees do not result in such an end product, the school board must post a notice for three weeks of the proposed fee adoption and then hold a school board meeting to discuss and vote on adoption of the fee. Until that vote occurs, the public school district or charter school may not charge such a fee.

Authority: Minn. Stat. § 123B.36, subd. 1(b)(1); Minn. Stat. § 123B.38

Question 10: May a public school district or charter school charge students an activity fee for field trips, class activities or an end-of-year celebration?

Answer: Public school districts and charter schools may charge student fees for field trips that are considered supplementary to the school's educational program. Fees for team activities and celebrations that a student is required to attend are not allowed. If the team activities and celebrations are optional, then the public school district or charter school must obtain approval for such a fee through the school board process described in the response to Question 9 above.

Authority: Minn. Stat. § 123B.36, subd. 1(b)(2), (7); Minn. Stat. § 123B.38

Question 11: May a public school district or charter school charge a fee for a school planner?

Answer: If school planners are considered necessary supplies for participation in instructional courses at school, then the fees are prohibited unless the public school district or charter school obtains approval for such a fee through the school board process described in the response to Question 9.

Authority: Minn. Stat. § 123B.37, subd. 1(a)(1)

Question 12: May a public school district or charter school charge students a technology fee for the use of computers?

Answer: A public school district or charter school must ensure that it is not charging a fee that fits under the prohibition of textbooks, workbooks, art materials, laboratory supplies or towels, or supplies necessary to participation in an instructional course, except as authorized under Minnesota Statutes, sections 123B.36 and 123B.38.

If the fee is not prohibited and fits under the authorized fee statute or the school board has followed the appropriate procedures to adopt such a fee, the school district must also ensure that students not paying the fee still have access to a computer during curricular computer classes (offered for credit) by the public school district or charter school. If students who have paid the technology fee have access to the computer during study hall, and the study hall is considered curricular (offered for credit) then again the student must have access to educational books and supplies (hard copy or electronic copy) necessary to participate in that curricular class.

Authority: Minn. Stat. § 123B.35; Minn. Stat. § 123B.36; Minn. Stat. § 123B.37, subd. 1(a)(1) (2); Minn. R. 3500.1050, subp. 2.

Question 13: May a public school district or charter school charge fees related to official transcripts?

Answer: An official transcript does not fit under any of the provisions for an authorized or prohibited fee. Before charging such a fee, the school board must post a notice for three weeks of the proposed fee adoption and then hold a school board meeting to discuss and vote on adoption of the fee.

Authority: Minn. Stat. §§ 123B.36-123B.38.

Question 14: May a public school district or charter school charge fees related to schedule changes?

Answer: The public school district or charter school must review the Minnesota Public School Fee Law to determine if the fee is supplementary to the requirements for the successful completion of a class or educational program, and whether it is authorized or prohibited by statute. If the public school district or charter school determines it is not a prohibited fee, then before charging such a fee, the school board must post a notice for three weeks of the proposed fee adoption and then hold a school board meeting to discuss and vote on adoption of the fee.

Authority: Minn. Stat. § 123B.35; Minn. Stat. § 123B.36; Minn. Stat. § 123B.37 subd. 1(a); Minn. Stat. § 123B.38.

Question 15: May a public school district or charter school charge fees related to graduation ceremonies?

Answer: Public school districts and charter schools are specifically prohibited from charging fees for caps, gowns and diplomas. However, public school districts or charter schools are authorized to charge fees for any program where the resultant product, in excess of minimum requirements and at the student's option, becomes the personal property of the student. Public school districts or charter schools may also charge a fee for items of personal use or products that a student has an option to purchase. Fees may be authorized if the student is given the option to purchase the items. If the public school district or charter school clearly informs students prior to graduation that they are not required to purchase the cap, gown, tassel, or the diploma cover, but they may purchase those items to keep at their option, then those fees may be authorized. In those situations, the student could then return the diploma cover and the cap and gown, without charge, at the end of the ceremony.

Authority: Minn. Stat. § 123B.37, subd. 1(4); Minn. Stat. § 123B.36, subd. 1(b)(1) and (5).

Question 16: What is the best way for a public school district or charter school to handle fees related to high school graduation?

Answer: Because there is some ambiguity between the authorized and prohibited fee statutes related to the purchase of graduation items, if a school district or charter school wishes to add that fee, it should provide notice to parents and hold a hearing to address the proposed fee. Before charging such a fee, the school board must post a notice for three weeks of the proposed fee adoption and then hold a school board meeting to discuss and vote on adoption of the fee. As part of the school board hearing process, a school district should also set up procedures to allow for a waiver of the fee for students who cannot afford to pay it to ensure that all eligible students are afforded the privilege to participate in their graduation ceremony.

Authority: Minn. Stat. §§ 123B.35-123B.38.

Question 17: What if a student's parent or guardian is unable to pay a school fee that is allowable under the law?

Answer: Public school districts and charter schools may waive a school fee based upon a student's inability to pay. Information about a student's eligibility for waiver of a fee is private and steps must be taken to ensure that information is not shared with other students through the method for payment for the class fee. Public

school districts and charter schools must ensure that it is in compliance with the Family Education Rights to Privacy Act (FERPA) and the Minnesota Data Practices Act.

Authority: Minn. Stat. § 123B.36, subd. 6; 34 C.F.R. § 99; Minn. Stat., Chapter 13.

Question 18: May a public school district or charter school charge a fee for lost or damaged textbooks, workbooks, or library books?

Answer: Yes. The school board or charter school must annually notify parents or guardians and students about its policy to charge a fee for lost or destroyed school books.

Authority: Minn. Stat. § 123B.37, subd. 1(b).

Question 19: May a public school district or charter school withhold a student's grade, transcript or diploma for nonpayment of student fees?

Answer: No. Public school districts and charter schools are prohibited from withholding grades or diplomas for nonpayment of student fees. Note that this provision does not prohibit a public school district or charter school from maintaining any action provided by law for the collection of fees authorized by Minnesota Statutes, sections 123B.36 and 123B.38.

Authority: Minn. Stat. § 123B.35 and Minn. Stat. § 123B.37, subd. 2.

Question 20: May a public school district or charter school charge a nonrefundable registration-processing fee to parents seeking to register their child in a language immersion program?

Answer: A public school district or charter school may not charge an admission fee for any required instructional program. If a parent is required to pay the nonrefundable registration fee in order to have their child considered for admission into the language immersion program, it is MDE's position that it is a prohibited fee. The purpose of the Minnesota Public School Fee Law is to ensure that all students have an equal opportunity to access public education, which includes immersion programs offered by a public school or charter school.

Authority: Minn. Stat. § 123B.35; Minn. Stat. § 123B.37; Minn. Stat. § 124D.10, subd. 8(i); Minn. Stat. § 120A.20 subd. 1(a).